

C. yg. 270 140

Alimony Arraigned,
OR THE
REMONSTRANCE
AND HUMBLE
APPEAL
OF

Thomas Ivie, Esq;

From the High Court of CHANCERY,

TO

His Highness the LORD PROTECTOR
of the Commonwealth of *England, Scotland,*
and *Ireland, &c.*

WHEREIN

Are set forth the unheard-of Practices and
Villanies of Lewd and Defamed Women, in
Order to separate Man and Wife.

L O N D O N,

Reprinted in the Year, 1696.

The Humble Appeal and Remonstrance of *THOMAS IVIE, Esq;*

To His Highness the *Lord Protector, &c.*

HAD it not pleased the Lord to bear up my Fainting Spirit, with more than an ordinary Confidence that the Deliverance of his People was nigh at hand, and that he would put a stop to the Violent Passions of Oppressing Men, I had undoubtedly sunk under those abominable Scandals and Aspersions, which have been cast, like Dirt about the Streets, upon me, by my Wife and her Abettors.

But certainly the Day of our Deliverance is already dawn'd; and we are in some measure assur'd, that *Justice* and *Righteousness* is already broke forth, and that the Abominations of the Wicked shall be no more clothed with *Authority*; but whatsoever is a Lie shall be made manifest, and confounded.

As our Eyes are therefore on the Lord, as the supreme Fountain of all Goodness, so we trust that the Declaration of his Will shall be made out by Your Highness, being chosen by Himself in an extraordinary manner, and by a wonderful Series of Providences, to this very end, to execute Righteousness and Judgment for his People that are oppressed amongst us: And that your Highness will put on Bowels of Compassion for the Afflictions of Men in Misery, who pour out their Complaints and Grievances before you.

With this Confidence I appeal from the Chancery unto your Highness (being unable to endure any longer, either the Expences or Delays of that Court; or indeed the Justice which is there distributed.) For besides the hazarding of that which is better than a precious Ointment, much of my Estate hath been consumed, and great Debts contracted, by reason of my attendance upon these unnatural Differences, (which have been fomented between my self and my seduced Wife) much of it torn away by Violence under a Pretence of *Alimony* for her, to whom I never denied or refused any thing whatsoever.

And that which remaineth is daily so molested with Creditors, that I now may most truly take upon me the Expression of *Job*, *I once had Riches, but now have none*: And unless it will please your Highness to afford a speedy Redress, I shall hardly enjoy long my Liberty also.

I will not say any thing of those sad and dismal Thoughts which have been continually in my Mind, those hideous Temptations, which have been hourly grating and gnawing my very Soul.

During this sad Condition, 'tis the Voice of the Lord only can speak Peace unto my Spirit, (whose Name be blessed for those sweet and refreshing Experiences, with which he hath supported me in this fiery Trial) but I shall open unto your Highness, as unto a good *Samaritan*, the Wounds of my Body and *Fortune*; (and briefly present a *Narrative* of the whole Matter concerning my self, and Wife, and how it hath been transacted in the Chancery) That so I may with the more Confidence expect a Cure proportionable to my Disease; and that your Highness's Judgment may be as well grounded upon Knowledge, as my Suffering upon Experience.

Having faithfully discharged the Trust that was reposed in me by the honourable *East-India Company* (as their chief Agent at *Madraffopotan*, where I had not only the Command of the Persons of Thousands of People, but also the Fort of *St. George*, and Town of *Madraffopotan*;) And having made a thorough Reformation of the grand Abuses which had crept into those parts, to the great Injury of the Trade; and erected them a Town by my own Pains and Industry, even out of the Sea it self, for the better Advantage and Security of it. I resolved with my self, (though I was often perswaded by the said Company to continue longer my Charge) to return into my Country, where I had left the near Relation of a Wife behind me: And by how much the more that Reciprocal Happiness (which we enjoyed together) did revive, the more inflam'd were my Desires for a Return.

But I had no sooner arrived in *England*, but the first News almost that was brought me, was the Death of my Wife, in her very Journey to meet me.

This was the first Tryal which the Lord laid upon me: But as he corrected, so he gave me Patience and Submission to his Will in it; neither were Friends wanting to endeavour a Belief in me, that as the Lord had taken one Wife from my Bosom, so he could bestow another.

After many several Days and Months thus spent in Melancholy, and willing to inure my self to the Condition I enjoyed when I left *England*, I was perswaded to address my self to one Mrs. Garret, a Widow, and Daughter of Mr. *Stepkins*, who was represented unto me to be as beautiful in Mind as in Person; And though her Husband had left her nothing, yet was I not deterr'd by this to forbear my Sute, supposing what was wanting in *Fortune*, would be made up in *Affection* and *Sweetness* towards me.

Hereupon, in short, about October 1649. a Marriage was had and concluded between us; and, that I might give the best demonstration what a high value I put upon her, I settled for her Joynture 1000 *l.* per ann. and Covenanted with her Trustees to leave her at the time of my Death 1000 *l.* also in ready money.

Her Father (now taking notice of this cordial and affectionate dealing of mine with his Daughter) made in short this Proposition unto me, That if I would give him the said *Stepkins* 1000 *l.* more, and deliver forthwith unto his said Daughter, as many Jewels as might be worth at least 1200 *l.* that then he would settle his Estate at *Wapping* (being 240 *l.* per Ann.) upon me for my life, and after my decease to my Wife; And in case we had Issue, then to them; and in case we had no issue, then to the Heirs general of the said *Stepkins*, or such as he the said *Stepkins* should limit and appoint.

To which I returned as short an answer, and told him, I would immediately perform his demand. Whereupon I did deposite 1000 *l.* in money, and 1200 *l.* in Jewels, and all the aforesaid agreements and settlements were Indented in Parchment, and legally executed accordingly (as may appear from the Deeds themselves, proved by two Testimonies in Chancery, to which I refer my self.)

I make no mention what Presents, nor of what value they were, (though considerable) I sent her before Marriage, (because they were purely Gifts) but the other upon the most real and highest consideration of Marriage.

I suppose it's already evident, that had I now found the affection which I promised my self, it might be very well said to be rather purchased than gained; for although there was 240 *l.* per Ann. settled upon the Considerations aforesaid, yet was it a dear bargain unto me, only for my Life, to lay down for it 2200 *l.* Neither was I to enjoy this until the said *Stepkins* should decease; which (if the contingency of his Death, and the Interest of the Money had been considered) 'twas more than ten years purchase for one life.

Nevertheless, had there been a Return but of common Gratitude, (much less of a conjugal Affection) I should scarcely have entertained a Thought of Penitency for so large a Joynture, which I had settled.

But certainly the Anger of the Lord began now to be kindled against us, and whether 'twas for her sins as well as mine own, and particularly for being instrumental to the Disinheriting of the eldest Son and Heir of the said *Stepkins* (who never had demerited it in the least measure from the Father) I know not, the Lord discover it unto us both in his due time: But certain it is, that she could not long continue her self from discovering, that 'twas rather my Fortune than my Person, which she had wedded; rather embracing Advantages of expressing Kindness to others, than her Husband.

Notwithstanding many of these inconveniences did I pass over (though 'twas very grievous to be thus used so soon after our Marriage, within less than six months, and still persevere (if with Prudence I may speak it) with more than usual fondness) she could no sooner propose any thing, which my Purse or Industry could procure, but 'twas immediately provided; nothing which might be either for Necessity or Ornament (though never so costly) but she had it, though I borrowed money to provide it.

I could here tell her Highness in what Plenty I maintained her, with what sums of Money in her Purse, with her Coach and Horses, Saddle-Horses, and rich Furniture, rich Cloaths, Beds, Linnen, &c. but that I should discover too much of my Folly in it, as well as her Unworthiness.

But I am confident, (and 'tis proved by sufficient Witnesses in Chancery) that in eighteen months after our Marriage, she had spent for her Accommodations above 3000 *l.* whereof 600 *l.* was in Apparel only 500 *l.* in ready money.

But all this could not prevail, the Multiplicity of Curtesies and Endearments towards her on my part, was but the encreasing of her Frowns and Slightings towards me; and being unsatisfied with what I voluntarily bestowed upon her, she took all opportunity (in my absence from home) to imbezil what goods soever she could come at; and at one time (when I was at the Court of Aldermen) she took from my House 300 pounds at least of rich *East-India* Stuffs, and Plate.

The Company she resorted unto (were no less offensive unto me than her actions) being either Persons of very low Condition, or Desperate Fortune, whose Necessities and Debaucheries still prompted her to further Inconveniences.

It being now evident unto me, and all our Acquaintance besides, That a sudden Ruine could not but be near to our Estates, and unhappiness to our Persons, I entered upon a serious Resolution to withdraw for a while to my Country-house at *Malmsbury* in *Wiltshire*, and persuaded my Wife to a compliance herein; This I did, that I might pay those Debts, which I had contracted by her means, and take her from the Occasions and the Persons which had enticed her to such pernicious courses.

But they (finding if their *Diana* should leave *London*, the silver Shrine would be also removed) were too too prevalent with her to retard her Journey; Nay, in conclusion she absolutely refused to go with me.

Notwithstanding I did not forbear all the Arguments, which either Prudence or Necessity could dictate: And that I might not neglect any Motive, which I thought might conduce to this end, I gave 100 *l.* to two of her Familiar Acquaintance (whom I thought most prevalent with her) to persuade her to accompany me into the Country.

But no Charms of Persuasions had any Influence, nor Reason (though very urgent and manifest) but was slighted.

Nevertheless before I went out of Town, I writ this Paper, and left it with her:

Sweet-heart,

THE Reasons wherefore I am at present forced to leave London, is in regard of the following particulars.

1. Because my House, Family, Goods and Estate in the Country goeth much to Ruine, for want of my Presence.

2. Because my Engagements in London are great, viz 1246 l.

3. Because of these great Engagements, my Credit, which hath been of value, (but now through some Disparagements and Evil Practices,) is lost in London, that I cannot borrow any more money to supply yours and my present wants: And now when I thought all things had been forgotten, I heard abroad by my Friends, that by certain Warrants issued out by the States for your self, and others to appear before them, that I am ashamed to walk London streets; and I much fear, that if I continue in London, you will in short time both ruine your self and me.

4. You are so transported by the Persuasions, and Practices of your Aunt and others, that I, nor no Friend of yours, can intreat you to leave their Company and Evil Counsel, which daily breeds Debates and Strifes between us, Notwithstanding, they have been by their ill Counsel and evil Actions, the chief Occasion of all, which hath brought us to this sad Condition and Shame that we are now in: So that I may now say with Job, I had once Riches, but they are now wasted, and once I had a Wife, but now she will be no longer mine.

5. I have no Employment or Calling in London; which disgraceful and unquiet Life is hateful unto me, and most disadvantageous; for I find not this Town good for my health, (by reason of my continual trouble) my expenses are insupportable: And I protest before the great God of Heaven, my only Joy and Comfort should have been, and shall be (if I can any way find your Affections reciprocal, and your Compliance equal) to support your Honour and Fortune beyond my Own: But if we continue in London, I find all will be quickly confounded and destroyed.

Therefore, Dear Heart, take the premisses into good, religious, and serious consideration, and go with me unto our Habitation in the Country, by which means, all things that are past will be forgotten, whereby we shall be both happy; for my intents are only and really to make you a happy Woman: For I protest before God, when you come into the Country, I shall render my self and Estate to your Disposure, to come and go when and where you please, which shall be faithfully and lovingly performed by me, but if not, be pleased to take this as a sad Farewel, from thy.

London 17 March

1650.

Most Affectionate Husband,

Thomas Ivie.

And immediately after my Arrival at Malmsbury, as soon as I had accommodated my House; I sent her this Letter.

Most dear Heart,

YOU cannot but be sensible of my sad condition and necessity at London, by reason of my Discontents and great sums of Money which I do owe, and have not wherewithal to satisfy my Creditors, for had I stayed longer, I must of necessity have been carried to Prison, or at least to my Grave; For I was so much troubled and grieved in mind at your unkindness, and want of Money, that I thought my heart would have broken; which so transported me, that I knew not what I did when I left you: Yet notwithstanding your unkindness to me (if you can borrow 30 l. of any Friend of ours to supply your present occasions) I will see it satisfied; if not, I shall willingly consent, that you pawn some of your Jewels for so much money; and when the India ships come home (God willing) I shall redeem them for you again; and when I have paid my Debts, you shall command me and my Estate, which shall be at your disposure. I should rejoyce to see you and my Father Stepkins here; Therefore, Dear Heart, when you have a mind to come unto me, advise me, and I shall wait upon you, to bring you down; And when you are weary of my Company and Entertainment in the Country, (where my self, and all that I have, shall be at your Disposure) I shall (when you please) return again with you to London, and ever remain

Malmsbury 24 March,

1650.

Your most affectionate Husband

Thomas Ivie.

Instead of a Complying Answer, which I expected (for We cannot easily despair of Things We passionately desire) I received this Summons from the Lords Commissioners of the Great Seal, to appear before them.

WHereas Theodosia your Wife hath on this present day preferred her humble Petition unto us the Lords Commissioners of the Great Seal of England, thereby praying Allowance of Alimony, as by her said Petition remaining with us doth appear, we do at her instance give you Notice thereof, Requiring you hereby to make your personal appearance before Us, on the thirteenth day of this Instant, to speak with Us about the same.

Middle Temple the 11 day
of April, 1651.

Richard Keeble,
John Lisle.

Immediately, (laying aside all my Business) as fast as Passions and Spurs could quicken, I repaired to the Chancery, where I found to my great astonishment) this false and scandalous Libel, under the Title of a Petition for Alimony preferred against me.

The humble Petition of Theodosia Ivis, Plaintiff, Wife of Thomas Ivis, Defendant.

That She being the Daughter of John Stepkins, Esq; and married to the Defendant, who hath (without any cause given him) not only deserted her Company, but left her destitute of all manner of Means for her Livelihood and Subsistence; And that during the time she cohabited with him, she hath not only been in great Danger of her Life, by his Cruel Usages, and unjust contrivances, but by some means occasioned by the Defendant, she hath been very Weak and Infirm; And hath received from him such Infirmities, (not becoming a Husband to confer on his Wife;) And that by reason of his said cruelties, and the peril of receiving from him Diseases of Dangerous Consequence, she could not cohabit with him as his Wife, without eminent peril of her Life; And the Defendant was not only departed from her, but utterly denied to allow her any convenient Support; And that for meer necessity she had contracted some small debts; And therefore she prayed the speedy Aid of the Court; And that They would summon the Defendant before Them, that upon hearing her just Complaints, she might be relieved, and have such fitting Allowance by way of Alimony granted to her, as to the Court should seem meet; And that for the present, she may have some convenient Allowance for Expences in this Suit, she being otherwise unable to proceed therein.

To which (having sought Patience from above) I returned this Answer.

That 'tis true, he Married the Plaintiff, and hath ever since used her with the Respects of an affectionate Husband to a loving Wife, and neither hath, nor did intend to desert her Company, but much desires it, if he may find respectful carriage from her; and is so far from leaving her destitute of all means, that since his Marriage, which was not then above eighteen Months, he had furnished her with Jewels and Pearl, to the value of 1200 l. besides Apparel, which cost him above 200 l. All which Pearl and Jewels she had in her Possession in March then last past, when the Defendant went to his dwelling-house in Wiltshire, at which time, he not only solicited her to go and dwell with him, but promised her (upon the Enjoyment of her in the Country) to resign both himself and his Estate to her Commands and Disposal.

That he hath likewise paid her Father 1000 l. for which he should have settled upon the Defendant some Estate of Inheritance for her Portion, which is all the Fortune he ever expected with her, whereof he hath not received the value of one penny.

That he allowed her for Clothes, Mony, and otherwise for her use, above 800 l. And during the time he hath lived with her, he hath spent in Householdstuff, House-rent, and House-keeping, 2870 l. so that in eighteen Months, he hath spent with her 6000 l. And this he mentions not, as if he repented of his Kindness to her, but to evidence to their Lordships that there is no just cause of Complaint against him, for not allowing her maintenance.

That he never acted any thing of Danger or Cruelty, or that might occasion any infirmity to her; nor was there ever any Disagreement, or any Cause why she should separate from him; But her desire was to live in London, a place neither agreeable to the Defendants health, or Estate; He having already (by reason thereof) contracted many Debts: And confesseth, that having (by consent of her Father and her self) bought an Estate in Wiltshire, situate in a healthful air, and a place of much conveniency, delight and profit; He hath many times by Letters, in Person, and by Friends, earnestly desired her to live with him at his said House in the Country, where she shall want for nothing in his power, for her use and conveniency, and care shall be taken for her accomodation for her Journey, wherein he hopes yet to prevail, that they may mutually enjoy the Comfort of each other, which he much thirsteth after, and is not little grieved there should be any Question of it.

That he took such Order (presently after his going into the Country) whereby the Plaintiff was supplied with monies for her present occasions, and presumes the foul scandals suggested in the Petition, are well known to the Plaintiff to have so little colour of Truth in them, as he hopes the same were put into the Petition, as words of Course, rather than by her Direction: And he utterly denies the same; and therefore he hopes, he shall not be ordered to make Allowance to the Petitioner, (as in the Petition) she demands.

Could ever any Man suspect to be thus dealt withal by a Woman, that had plighted her faith in Marriage to one, who had settled so great a Joynure, given her so many Gifts, so much Mony, Jewels, and all other accommodations whatsoever in the greatest Plenty, for the Consideration of nothing? Certainly amongst the Indians themselves have I not seen so great perfidiousness.

Now had I just Reason to suspect, 'twas not only the malicious Counsels of her wicked Abettors, was the cause of her inhumanity towards me; but that she had in her own Breast a Principle of Enmity and Dissatisfaction, even to the Relation of being my Wife.

Nay seeing the Scene appears, 'tis too easie to understand what Plot is laid and concluded; If she can survive me (which she thinks very probable) and hath no issue of our two Bodies (which she is resolved never to have) by keeping her self from me, Then will she be a Fortune indeed, and her Widowhood be worth its weight in Gold. And if in the mean time (during my life) she can have from the Lords Commissioners (by way of Alimony) 300 l. per Annum, she will think her self in a better condition, than her Father, who had but 240 l. per Annum, both for himself and his whole Family: And to prosecute the Suit, she hath 1200 l. worth of Jewels already, and 500 l. in ready Cash advanced, and her Husband much in debt, so that peradventure she may outspend him also even at Law.

But to obtain this glorious design, many difficulties are to be passed through; And though she her self hath resolved to calumniate vehemently (presuming that somewhat will gain belief amongst many) yet will not this be enough; and therefore Witnesses must be prepared of as large Consciences as Foreheads: And for their better encouragement, They shall participate in the Gain and Advantage: Welcome

come Expressions and Opportunities to such Persons, whose defamed Lives, and necessitous Fortunes, rendered them neither in a Capacity to live, or converse with People of any Honesty or Reputation.

As for her part, her Suggestions and Insinuations were high indeed; much fear she pretended (for had it been more than a Pretence, all had been accomplished, and my Life lost) lest she should participate of the Sins and Punishments of *Sodom* and *Gomorrhah*: And as for her Body, she durst not trust that with me, lest (at any time being Morose and Cholerick) I should injure her by Blows; or if kind, I should infect her with unclean Diseases.

To enforce these Motives upon the Minds of all People, who now took notice of these Distractions, Never was there a more exquisite Vizard of Modesty put on by a Woman: Never were Expressions of Religion more distorted to an ill end; no Projects and Practices of Obscenity and Murder it self, were wanting to colour these malicious Devices against me: Nay, so grossly infatuated was she in her Scandal, that she represented my Person to be more like to a *Monsters* than a *Mans*.

Her Abettors are not wanting in acting their parts also; What she insinuated, they converted into Clamours; neither stuck to depose any thing, what possible could be believed to be sworn by them, without any apparent contradiction.

Having thus prepossessed the Ears of as many Persons of Quality as she could, and framed a Harmony of Testimonies (as well as of Witnesses) with as much Art and Cunning, as her own Wit, or her Abettors, (or the matter it self could supply) she took out with much eagerness a Commission out of the Court, to make what proof she could of her Petition.

Notwithstanding this further Provocation also, my Lips were lock'd up with Silence, as well as my Heart with Sorrow, not retaliating Evil for Evil in the least measure; or so much as intimating unto her, of her first Follies (which if they were published by me) might have raised a great Cloud upon her Reputation: Neither was I content to be totally Passive of what Injuries had passed, but was resolved not to leave any means unattempted to reclaim her from these Extravagancies.

And thereupon went unto her in Person, with Mr. *Escot*, Serjeant *Middleton*, and Mr. *Booth*, at Mr. *Zanchey's* House (he himself being present) and with as much Rhetorick as my real Affection to her could dictate, did passionately move her to a Reconciliation, shewing what Scandal and Dishonour would follow such Differences, and promising withal, a perfect Oblivion of whatsoever had been acted against me; And to fortifie my Arguments the better, I desired all those Gentlemen there present, to do the Office of Christian Moderators, and to endeavour to stop the Breaches between us, which were too wide already.

Nevertheless, by how much the more weight she perceived in our Reasons, the more Obstinacy she discovered in her returns, utterly rejecting any Agreement, upon what Terms soever.

Hereupon suspecting in her the apparent Symptoms of a fear'd Conscience; and how that by my silence, the World began to infer a main Guilt of those Aspersions which had been divulged against me, Upon the serious Advice of my Counsel (though I cannot but acknowledge a very great Reluctancy thereunto) I was perswaded to examine Witnesses also, both to vindicate my own Integrity, and to discover unto the World the Grand Cheat that was contrived to gain my Estate (which could no otherwise be accomplished) without defaming my Person (and if it were possible) to take away my Life also; which shall evidently appear anon.

But before I shall give an Account of the Proofs which were made on my behalf, I shall according to her own Forwardness and Method, give your Highness a short view, what was attested for her.

One swore, That he saw me squeeze her (at eleven a Clock) one night, as she was going down stairs.

Another that she heard my Wife complain of ill usage (but though she lived in the House with us) never heard me give an ill word to her.

Another heard her cry out, Help, Help, Murder, Murder; and saw me take her by the Throat: Though I refer my self to my *Affidavit* on Oath, yet when I shall manifest it, (That this Woman who swore this, was brought in that very night, and next morning conveyed away) I suppose 'twill be no difficult thing to perswade any one to believe, that this Creature was brought in on purpose to be a Witness against me.

The Woman that swore this, was brought in that very night, on purpose to be a Witness, and the next morning went away again.

One *Measler* (a pretended *French Physician*) swore that she was ill; and that there was a Suspicion of Poyson; but this was five months after she left me; and was commonly reported to have the Pox, (which being a Venomous Disease) the *French-man* might safely Swear (with a mental Reservation, the frequent Practice of his Country-men) there was a Suspicion of Poyson.

This is the Substance of what was sworn against me, (and should I name the Persons of the Witnesses,) they were more mean than their Testimonies; The Chief of them was her Aunt Mrs. *Williamson*, of whom I shall say no other, but that her *Way* and *Living* is after the rate of 300 or 400 *l. per annum*, though it be well known, That neither her Husband, nor her self, have any Profession to live by, or any visible Estate, nor worth a Penny; but are so nearly Poor, That he or she dares not appear in publick lest they be carried away by *Bayliffs* for the multitude of Debts he owes.

This is that ungodly Wretch, who too visibly hath been the Ruin, both of my self and Wife, as will appear from the Depositions themselves.

One Person there was produced on her behalf (whose Name hath a Reputation in the World, viz. Sir *John Brampton*,) yet all that he can depose for Her, is nothing which is material, but that he never knew her defam'd, but in this Business, and that she was bred up amongst his Children; and that he often endeavour'd a Reconciliation between us: Whether he did it, or no, I cannot affirm, but when I was told by him lately, and never heretofore, That he had a *Pre-Mortgage* of the Estate of 240 *l. per annum* (made unto him by *Stepkins*) which was settled on me for the Consideration aforesaid, I hope, that I shall not be condemn'd, as too jealous without a ground, That he is fishing for his own Interest in our troubled waters.

Were

Were there ought else considerable deposed against me, I should deal so ingenuously as to relate it, being very confident, that at the hearing of my Cause before any in Authority, there will not be wanting Agents enough for her, to lay open the worst against me.

One thing therefore more (and that which they think most considerable against me, not in order to justify her Complaint, but to take off a Belief, from what she knew I could prove against her and her said Aunt *Williamson*) was briefly this, That I endeavoured to suborn one *Heldsworth* (a poor Fellow about the Town) to swear point blank, That my Wife was a Whore, and her Aunt *Williamson* a Bawd.

That I may be impartial in this *Narration*, I shall cite the very words themselves of this Deposition which are these.

That in *April* and *May* was twelve-month, He (*viz.* this Deponent) came to the Defendant, (*viz.* to my self) for Money for one *Nicholas*; and the Defendant said, He could prove Mrs. *Williamson* a Bawd, and would have had him sworn it; and offered the Deponent Money to Swear the Plaintiff (meaning Mrs. *Ivie*) was a Whore.

That he had made the Commissioners for him; and said, That *Stephens* and all his Family were *Base People*, and often offered him Money to Swear; and said, he had two Witnesses more, if he would make up the third.

How much Indiscretion, as well as Falshood, was in this Deponent, and both in them, who imployed this inferior Person, and who too probably practiced that infamous *Art* of Creating Knights of the Post (which seems to appear, even from the Oath it self) For certainly, had I been provided with two Witnesses (as he said I told him) which number the Law admits even in the highest Cases) it had not only been an impertinent losing of my Money, but my Honesty also, to no purpose: Besides there are scarce any so Ignorant, but understand how difficult a thing it is to prove even a Whore, a Whore.

'Twas against the Advice of my Council, and my own Inclination also, to examine any Witness of so mean a Quality in such Differences, (as these are between my self and my Wife) lest the contemptibleness of the Evidence, might derogate from the Truth of the thing: Most of those (whom I produced to give Testimony on my behalf) were Persons of fair Estates, many hundreds *per Annum*, and such, who for many years past, have been Justices of the Peace in their Country, &c. But more (of this Nature) I omit: For (without Doubt) Poverty and Honesty are not inconsistent: The most precious Saints of God, are more frequently found cloath'd with Rags, than in a King's House: *Job* himself was more acceptable to the Lord on the Dunghill, than in his costly Palaces: But withall there must be a Poverty in Spirit, as well as in Estate; otherwise, they will forfeit both their Religion to God, and their Credit amongst Men: For certainly a poor Man (being notoriously Vicious and Scandalous) is to be reputed rather a Vermin in Nature, than a Member of *Christian Society*, whose Testimonies stink in their own Nostrils, and their Memory shall perish with them.

That your Highness may the more knowingly judge and determine, both of this and other Proofs against me, I humbly beg leave to lay before your Highness the Manifestation of my Answer which I returned to my Wifes Petition, and what Evidences I produced to the clearing of it.

1. To the first Charge in the Petition, That I left her destitute of all manner of Livelihood and Subsistence.

'Twas Deposed,

(Besides her having of 1200 *l.* worth of Jewels in her Custody) That I maintained her with Meat, Drink and Cloaths, and all Conveniencies in a very plentiful high way, *l. A. fol. 19. f. 40, 47. l. 3. f. 3, 4, 49*

That she had the Disposal of all things in his House, *f. 7.*

That he spent twenty Shillings a day in Meat, besides Spice, Sugar, Wine, Beer, &c. *fol. 8. f. 55, 56, 57.*

That he importun'd her to go live with him in *Wiltshire*, *l. A. f. 4. l. 13. f. 9, 10, 11.*

That she was richly cloathed, *fol. 60.* Had a Coach and Horse for her use. *f. 67.* Besides a Coach, he provided for her Journey a single Horse, worth 45 *l.* *f. 68.* and a Riding Suit worth 40 *l.* and a Horse-furniture worth 40 *l.* more. *l. B. f. 68.*

That she absolutely refused to keep me Company into the Country, but would rather stay with her Aunt *Williamson*, *l. C. fol. 13.*

That I gave 100 *l.* to Serjeant *Middleton*, the Serjeant to the Lords Commissioners, and Mr. *Pauncefoot*, a Clerk to several Committees, to perswade her to go with me, *l. A. f. 8.*

That she refused notwithstanding, *l. A. f. C.*

And for her Reception, I immediately declared in my answer, my Willingness to receive her, and co-habite with her, and provide her all Necessaries and Conveniences whatsoever.

To the Objection which follows in the Petition, That my Usage was Cruel.

'Twas Deposed,

That I ever expressed much Love towards her, and was an Indulgent Husband, *l. A. f. 18. 39. fol. 2. l. B. f. 3. f. 48. l. C. f. 10, 12, 19.*

That I ever shewed a Willingness to pleasure her in any thing, *l. B. f. 63.*

That the squeezing her by the arms, was but the holding of her, when she attempted to run from me, intreating her with all fair words to stay, *l. B. f. 82.*

To the third Charge, That I had given her foul Diseases, (meaning the *Pox*) 'twas not only Deposed, that I was then free, but upon the Search of my Body, (which I voluntarily did desire might be done by able and honest Physicians) but there was not the least Sign or Symptom that I ever had that foul Disease. *l. B. f. 35, 36. l. C. f. 4.* And at that time that this was reported, she her self was free from it, *l. B. f. 37.*

And for my further Vindication herein, I beseech your Highness to read but these two Certificates under Oath of three eminent Doctors, and one Chyrurgion; the President of the College of *London*, Dr. *Pruiean*, Dr. *Wedderburn*, Dr. *Nurse*, and Mr. *Boon*.

WE whose Names are hereunto subscribed, do certifie, That Thomas Ivie Esq; (upon a scandalous Petition exhibited against him by Theodosia his Wife) that he had infected her with that foul Disease the Pox (as the said Mr. Ivie informed us) did desire us, and voluntary offer himself to be searched by us concerning the same. Whereupon, upon search, and view, had of his naked Body, we find, That Mr. Ivie is not only free from the said Disease, but so free from it, that we cannot perceive that he was ever tainted therewith. Witness our hands,

London 30 May,
1651.

Francis Pruiean, President of the College of
Physicians in London.
Thomas Nurse, M. D.
Hen. Boon, Chyrurgion.

WE whose Names are hereunto subscribed, do certifie, That about the Month of June last 1650. upon the scandalous report published of Thomas Ivie Esq; who lately before had married Theodosia Daughter of John Stepkins Esq; that he had the foul Disease of the Pox, and had given it into his Wife, That at the request of the said Mr. Ivie, by Examinations and Answers given by him, and others having Interest, we did find that the said Mr. Ivie was clear of the same Disease, and had no Symptoms or Token thereof. Also we (upon Examination of the said Mr. Ivie) did find him to be clear of the said Disease at that time, Witness our hands,

London 30 May,
1651.

Thomas Nurse, M. D.
Jo. Wedderburne, M. D.
Hen. Boon, Chyrurgion.

Besides all this (that there might be nothing wanting to make out the Integrity of my Soul, and the Cleanness of my Conscience, before all the World) I did voluntarily (for the Court compels none in these Cases to return an answer upon Oath) make this Affidavit before a Master in Chancery, and at the next opportunity of participating of the Sacrament, immediately before I touched those Sacred Elements, did declare and avouch the Oath, which I had taken, to be unfeignedly true, without any Equivocation, or mental Reservation whatsoever; and did thereupon print and publish it to the World, as followeth.

Thomas Ivie of Malmsbury in the County of Wilts, Esquire, and Husband to Theodosia Ivie, late Widdow of George Garret deceased, and Daughter of John Stepkins Esquire, deceased, maketh Oath, &c.

HAVING often with Grief and Anguish of Mind, considered those many Scandals and Aspersions which have been laid upon me by my own Wife, from whom my Soul once expected as much Happiness, as could be hoped for in a Conjugal Estate; and finding how easie the Minds of many Persons, and those of Quality too, have been, not only to give an Ear, but a Faith also, to those abominable Reports, which she and her Abettors have raised and fomented, utterly to abolish (if in their power) my Reputation, either as a Gentleman, or a Christian; both which (I trust) have been honourably preserved with much Constancy and Fidelity amongst thousands of Persons in those places where I have had long abode; lest I might be adjudged guilty in those things, which are only private to our selves, and which cannot admit of any Proof or Witness on either side, her personal and single Affirmation, being the only Argument to induce the World to the belief of so vile and inhumane Actions; I have thought it most necessary, besides these Proofs which are taken in Chancery, to vindicate my Innocency, not only with a bare Negation, but with such a one as is ratified with the Solemnity of an Oath: This I do the rather, because in these unhappy Cases between the Husband and the Wife, the Answers which are returned to the Petition, are not deposed to, as in other Proceedings in Chancery, neither can I content my self to stop here, but am willing to give the highest Satisfaction that a Christian can expect on Earth; and shall therefore choose such a time as the receiving of the most precious Body and Blood of my Saviour Jesus Christ (of which with all Humility this day, having strictly examined my own Heart, I intend to participate) as to declare my Innocency thereupon to those principal points which are objected unto me by my Wife: Were there any other Waters of Tryal under the Gospel, as there was under the Law, I could most safely adventure the drinking of them to clear my self before the World: But this, I hope, will give a plenary Satisfaction to all Godly and Consciencious Persons, who (if ever) will give Credit to the words of an afflicted Spirit, will now do it, after such a solemn sort.

And I do first upon my Oath say and affirm, that I have been so far from Acting and Committing that foul Sin of Sodomy upon her Body, that I never had within my Breast the least inclination or desire to so vile and abominable a thing; neither did I ever attempt to perswade her by fair Words and Inticements, or to move her by Threats, or ever used the least force or struggling with her to compass any such Base or Heathenish Design, as she most falsely and opprobriously charged me with.

And moreover, whereas on a certain night she was necessitated, in Preservation of her Life, as she had suggested to the Lords Commissioners, and several others, to leap out of the Bed from me, to cry out, *Murder, Murder*; alleging, that I offered Violence unto her by pinching, beating, and striking: Now I do protest and depose before Almighty God, that this was done without any such Provocation, even in the least measure; Nay at the same time, while she was attempting to leave my House, and running to her Fathers, I used all the friendly and kind Perswasions which I could express to detain her, and only holding her by the Arm, without the least hurt as I believe, I often repeated my hearty Sollicitations unto her to remain with me: But I do really believe, upon the consideration of several Circumstances and Passages since that time, that both her Out-cry, and her Subsequent Behaviour was design'd before that

night. If any thing at that time might be look'd on as a shadow to justify her Proceedings, it was this, That a little before she leap'd out of the Bed (amongst other Discourses) I intimated a Dislike of her Carriage, which was observed by others, towards one who pretended to be her Physician; This, and this only, was all the Cause and Occasion (if this be any) of her forsaking me at that time. And for all other times whatsoever, I do affirm upon Oath, that I never gave her the least stroak in my Life, or ever did so much as pinch her in Jest, to the best of my remembrance, or did ever directly or indirectly, let fall from my mouth any kinds of Threats whatsoever.

And I do further Swear, That until such time as she exhibited that foul and scandalous Petition to the Lords Commissioners, that I lov'd her unfeignedly, respected and esteemed her above all Creatures in the World; and as I laid down my Fortune at her feet when I first married her, so would I have laid down my Life too, for her Good and Preservation. Nay, I do allege further upon my Oath, that notwithstanding that scandalous and false Petition exhibited against me in pursuance of her malicious Designs, she had examined Witnesses to defame me; yet out of Christian and tender Consideration of the Relation wherein I stood towards her, as a Husband, I was willing from my Heart, and did endeavour (by the several means of Persons of Quality, allied both to my self and her) to compose all Differences, that we might for the future Cohabit together in Peace and Content; and not to regard any Aspersions which she and all her Witnesses, being there examined, had cast upon me, not to retaliate in the least measure, still deferring the Examination of my Witnesses against her, and attending whether it would please the Lord to give her a sight of the Error of her way, and to return her home to her Husband, who was most willing to receive her.

As to that Aspersions cast upon me, That I committed Folly with her Servant *Jane Gilbert*, though I need not say much to it, the Maid her self, and other credible Witnesses, having clear'd me in that point, both in Court, and on her Death-bed; and convinced the World of the horrid and unheard-of Practices of her and her Abettors, in abusing and exposing the Body of the said *Jane* to the View and Search of several Men, and suborning her to give in Testimony against me; yet that the World may know the Integrity of my Soul in this also, I do further Swear, That I never entertain'd within me the least thought of corrupting her Chastity, or did ever commit any unlawful or dishonourable Action with her, from the time I knew her to this day.

And lastly, Whereas I am charged by my Wife to have suborned several Witnesses against her, and particularly one *Holdsworth*; I call the Lord to bear me Record in this also, and do upon my Oath affirm, That I did never directly or indirectly, procure any Witnesses against her to testify farther than the truth of the thing, what he or she would knowingly and safely, without breach of Faith or good Conscience, Depose.

True it is, that *Holdsworth* being employed as a Bayliff to arrest me at the Suit of my Wifes Taylor, for a considerable Sum of Money, which she her self was indebted for, and behaving himself civilly towards me, I gave him five Shillings, and for no other end or purpose; And upon my Oath, I protest, that I never had any such Communication or Discourse with the said *Holdsworth*, to any such intent or purpose, as he hath most maliciously deposed against me.

Thomas Ivie.

Sworn August the 4th 1652.

Thomas Benet.

WE whose Names are hereunto subscribed, do Certifie that this is a true Copy of the Oath, which Mr. Thomas Ivie did take before Dr. Benet, a Master in Chancery, which also he avouched to be truth before and after his receiving of the Sacrament, which he received since his last dangerous Sicknes: As witness our hands the 6th of August 1652.

Nic. Bernard, Doctor of Divinity.

John Baber, Doctor of Physick.

Thus much (and I think more cannot be expected or done by a Man) was offered for my personal Vindication; and that it may be visible unto your Highness, with what Persons I have dealt withal: I shall summarily recite the heads of those Proofs, which were made concerning this Wife who begged Alimony; and shew your Highness the blazing Star, which enlightened her in these destructive ways to both our Ruins (I mean her Aunt *Williamson*) concerning whom 'twas Sworn,

That Mrs. *Williamson* did ever abuse Mr. *Ivie*, and was an Incendiary between him and his Wife, and the chief Causer and Promoter of the Differences and Breaches between them, *l. A. f. C. l. f. 79. l. C. f. 18. f. 19. 27. 38.*

That Mrs. *Williamson* perswaded Mrs. *Ivie* not to go into the Country with her Husband, *l. A. f. 60.*

That Mrs. *Williamson* several times spoke scandalous, opprobrious, and disdainful Speeches (against Mr. *Ivie*) to his Wife, *l. A. f. 51. l. B. f. 12.*

That Mrs. *Williamson* said Mr. *Ivie* had the Pox, and had given his Wife the Pox, *l. A. f. 52. l. 3. f. 13, 14.*

That Mrs. *Williamson* reported that Mr. *Ivie* had bugger'd his Wife, *l. A. f. 52.*

That Mrs. *Williamson* reported, that he had got *Jane Gilbert* (his Wifes Servant) with Child, *ib.*

That Mrs. *Williamson* told Mr. *Ivie* (who by reason of her ill name had forbid his Wife to keep her company) that she would keep his Wife company in spite of his Teeth, *l. A. f. 60. 59.*

That Mrs. *Williamson* told Mrs. *Ivie*, that when she was separated from her Husband, she would enforce Alimony from her Husband for her, *l. A. f. 61.*

That Mrs. *Williamson* told Mrs. *Ivie*, that when she was separated from her Husband, they would live together, *l. A. f. 62.*

That Mrs. *Williamson* brought to Mrs. *Ivie* a lock of *Snelling's* Hair, *l. B. fol. 27.* of which she made a Bracelet, set it with Ribbons, and wore it on her wrist, *l. C. f. 29.*

That

That Mrs. *Williamson* bid her wear it next her heart, *l. B. f. 30.*

That Mrs. *Williamson* encouraged Mrs. *Ivie* to give her Husband base language, *l. C. f. 31.* and told her, she did well therein, *l. C. f. 32.*

That Mrs. *Ivy* relating, how She had given her Husband ill words,

Mrs. *Williamson* run unto her, and told her 'twas well done, *l. C. f. 33.*

That Mrs. *Williamson* received the Goods, which were embezzled from Mr. *Ivy* by his Wife, *l. B. f. 40.*

That Mrs. *Williamson* sollicitated Mrs. *Ivy*, to let *Snelling* lie down with her on a Bed; (and when she had effected it) went out of the Chamber; and left M. *Wheatly* to keep the door, *l. C. f. 43, 44, 45.*

That Mrs. *Williamson* encouraged Mrs. *Ivy*, not to give any Accounts of moneys which She had received from her Husband; Telling her, what was her Husbands, was her own, and why should she account for her own, *l. c. f. 58. l. A. f. 61.*

That Mrs. *Williamson* lived in a house of ill fame in a little blind Alley, *l. C. f. 72.*

That Mrs. *Williamson* seldom lives with her own Husband, *l. C. f. 79.*

That Mrs. *Williamson* made *Snelling* a Favourite of Mrs. *Ivies*; and that she not only perswaded Mrs. *Ivy*, but cry'd out unto her to lie down on the bed with the said *Snelling*, *l. C. f. 83.*

That Mrs. *Williamson* called Mr. *Ivy* Clown, and Fool; and advised Mrs. *Ivy* not to go with him into the Country, *l. C. f. 13.* And that he was an ugly fellow, *l. C. f. 20.*

That Mrs. *Williamson* carried Letters for Mrs. *Ivy* to her Gallants, *l. C. f. 16.*

That Mrs. *Williamson* said, She hated Mr. *Ivies* child, because 'twas his, *l. C. f. 21.*

That Mrs. *Williamson* brought Mr. *Snelling* to Mr. *Ivies* house, after he had forbid him, *l. C. f. 21.*

That Mrs. *Williamson* (the very next day after Mr. *Ivie* married his said Wife) made horns and mouths at him behind his back, *l. C. f. 21.*

That Mrs. *Williamson* reported that Mr. *Ivie* had a Whore, and it being replied, that 'twas hard to prove any such thing; she answered, that she would hire a Whore to lie with him, and take him in the fact, and so obtain Alimony for Mrs. *Ivie*, *l. C. f. 26, 38.*

That when Mrs. *Ivie* said, she should love her Husband very well; Mrs. *Williamson* replied, that if she should love her Husband so well, they should be all undone, *l. C. f. 26.*

That a Fortune-woman looking in Mrs. *Ivies* hand, and telling her, that she and her Husband should live long together, immediately thereupon Mrs. *Williamson* wish'd her hang'd for her news, *l. C. f. 25.*

That Mrs. *Ivie* telling Mrs. *Williamson*, that her Husband gave her so good words, that she knew not what to do, (meaning, whether she should proceed in the plot against him) at which Mrs. *Williamson* answered, Hang him Rogue, Damn him Rogue, *l. A. f. 52.*

How horrid the actions of this Person have been, in some measure is laid open; but how contagious the conversation (of this monstrous and unchristian wretch) is, will be too sadly and experimentally demonstrated by these following Depositions concerning my Wife and her self; about whom 'twas sworn.

That notwithstanding the great Estate I had settled upon her, and the vast sums of money I had expended for her use and ornament, which any one would think, (had been enough to have purchased a common Gratitude and Civility to a Husband) she immediately after our marriage slighted me to my face, never returned, in the least measure, any reciprocal affection, *l. A. f. 39.*

1. That immediately after our marriage, she held correspondence with Sir *William Killigrews* Son, under the name of *Ornaldo*, called her self *Callis*, *l. C. f. 15.*

2. That the said *Killigrew* confessed upon his own Oath four Letters that he had sent her, and always writ himself *Ornaldo*, and her *Callis*, *Kill. own Deposit.*

3. That she admitted both Sir *William Killigrew* and his Son her Corrivals; and that young *Killigrew* threatened to kill his Father, and her Husband also, *l. c. f. 15.*

4. That Sir *William Killigrew* chid Mrs. *Williamson* for suffering his Son to be so familiar with Mrs. *Ivie*, *l. C. f. 15.*

5. That Mrs. *Ivie* (under the name of *Callis*) promised to *Ornaldo* a Courtesie, *l. C. f. 15.*

6. That Mrs. *Williamson* was used to carry Letters between them, *l. C. f. 16.*

7. That if Mr. *Ivie* did carry her into the Country without her consent, *Ornaldo* would pistol him, *l. C. f. 16.*

8. That she received Letters, and held Correspondency with one Mr. *Snelling*, whom Mr. *Ivie* had forbid his Wives Company and house, and forbid her likewise to receive him, *l. C. f. 15.*

9. That Mrs. *Williamson* brought in Mr. *Snelling* to Mr. *Ivies* house, (after that he had forbid them both) and Mrs. *Ivie* received them, *l. C. f. 2. f. 18. l. B. 79.*

10. That Mrs. *Ivie* went abroad after her Husband was in bed, to meet Mr. *Snelling* at Mrs. *Williamsons* house; and both Mr. *Snelling*, and Mrs. *Williamson* brought her home to her Husbands door, which was about 12 a clock at night, *l. C. f. 27.*

11. That Mrs. *Ivie* going out of her Bed-chamber after Mr. *Ivie* was in bed, and being asked by him whither she was going? replied, that she was retiring to her devotion, but went to Mrs. *Williamson*, *l. C. f. 25.*

12. That she was with Mrs. *Williamson* and *Snelling*, (who lay there by the name of Clerk) a whole day, at the Sugar-Loaf in Long-Acre (a suspected house,) *l. C. f. 11. l. C. f. 25.*

13. That she was frequently conversant with *Snelling*, *l. C. f. 74. f. 22.*

14. That Mrs. *Ivie* met with *Snelling* at a Cooks house of ill Report in a blind Alley in St. Martins Lane, *l. C. f. 76.*

15. That Mrs. *Ivie* lodged and abode there, out of her husbands house, many days and nights together, *l. C. f. 72.*

16. That she refused to return to her Husband, when he sent for her, *l. C. f. 73.*

17. That

17. That she being asked by her Husband at any time (when she returned home) where she had been, refused to answer, *l. C. f. 77.*

18. That *Snelling* had spent a 1000 l. on Mrs *Ivie*, and Mrs *Williamson*, *B. f. 26.*

19. That *Snelling* came up into Mr. *Ivies* Bed-Chamber with a Pistol in his Pocket, and questioned him (before his Wife) for forbidding him his House, *l. C. f. 23.*

That *Snelling* would defend her with Pen and Sword, *l. C. f. 23.*

20. That *Snelling* came often to Mrs. *Ivie*, when her Husband was out of town, *l. C. f. 22.*

21. That *Snelling* was frequently private with her in her Bed-Chamber, *l. C. f. 23.*

22. That she lay out of her House, when her Husband was out of town, *l. A. f. 40.*

23. That when her Husband was out of Town, she made a great Feast for Mr. *Snelling*, Mrs *Williamson*, Mrs *Wheatly*, Mrs. *Nowell*; All three notoriously known to be ——— *l. A. f. 42.* At this time the Plot for *Alimony*, and the practices upon *Jane Gilbert* (which cost her, her life) were in probability contrived.

24. That Mrs. *Ivie* sent to *Lilly*, who (amongst other things) returned this Caution to beware of two Women, describing Mrs. *Williamson*, and her Companion Mrs. *Wheatly*, *l. A. f. 57.*

25. That she often sent to *Fortune-Tellers*, and particularly to one Mrs. *Nowell* aforesaid (lately Cook maid to my Lady *Cunny*) *l. A. f. 58. l. C. f. 33, 34, 35.*

All that she enquired of these Wizards, was to know how long I should live.

26. That when Mrs. *Ivie* was separated from her Husband, then she and Mrs. *Williamson* would live together, *l. A. f. 62.*

27. That Mrs. *Ivie* her self laid Copperis in the Window, and gave out in speeches that her Husband had laid Poyson there, *l. A. f. 53.*

28. That her Chirurgion, (being asked how she did, after he had visited her,) said that her hair came off, and shook his head; And that he had made her an Issue, *l. A. f. 62, 63.*

This was above six months after she had left me.

29. That she immodestly said before two, *viz. Snelling* and *Killigrew*, that her first Husband had done the part of a man, twelve times the marriage night, But that this Husband had done but eight.

30. That she was two familiar with her own Father, his hands were seen under her Coats, *l. C. f. 18.*

31. That Mrs. *Ivies* Father was often in bed with her, *l. C. f. 20.*

32. That she gave 100 l. to her Brother, and promised to keep his Wife, in case he would murder her Husband; and procured from the Council of State a Pass to carry him beyond Seas, after the murder was executed.

This was proved in the upper Bench the Term, before my Lord Chief Justice *Roles*; and she was Bound over to the good Behaviour: The Pass was there produced, and is now in my Custody.

Besides these short intimations, many foul and horrid stories (could I have produced) of Designs for my Destruction: but because I was not able to make out clear and evident proofs of them, I was unwilling either to trouble the Court, or disturb my own thoughts, with any thing less than Realities and Demonstrations.

One History, or rather a Dismal Tragedy, acted by my Wife, Mrs. *Williamson*, and their conspiracy, was with all its Circumstances, so clearly delineated in the Depositions, that I should wrong my Cause, should I not relate this also: and perhaps few *Romance's* or *Gusman* himself can parallel it.

It being resolved at the Feast, (which was held at my house, when I was in the Country) by my Wife, Mrs. *Williamson*, Mrs. *Wheatly*, and Mrs. *Nowells* (being the Persons) for whom that Treatment was provided; That though the Scandals of *Sodome* were sufficiently high, which had been divulged against me; and would render me odious to the World: Yet seeing 'twas but a matter of Fact between us two in private, which could not be proved more, than by her single affirmation; and that her own Midwife (having search'd her for that very purpose) had so streight a Conscience, that she would not swear that my Wife had been injured in those parts; Did thereupon conclude, that some other way must be found out, which might admit of Testimonies; otherwise, they suspected, my Wife could hardly obtain *Alimony*, or procure a separation from me.

Hereupon it seems, This Plot was afterwards put in execution upon *Jane Gilbert*: Its proved, *l. C. f. 115.*

This Wench they picht upon to be the Instrument of their Design, because she being actually a Servant in my House, it might be thought very easie for me to find an opportunity to lie with her; and being also of a sickly disposition, it would be no difficult thing to raise a suspicion, that she might possibly be with Child, especially, being not well recovered of the Dreggs of the Small Pox, which she had had a little before.

Hereupon Mrs. *Williamson* (that she might the better colour her Intention privately) carried this Maids water unto one, whom they call *Trigg*, a Shoo-maker (as I have heard) by Trade, and enquired of him, whether the Party that made this Water, were not with Child?

Trigg (having good Instructions, and doubtless a large Fee) Ordered Mrs. *Williamson* to bring the said *Jane Gilbert* unto him, and he would search her.

At her return home to my Wife, there was a new consult, how they might carry the Maid to *Trigg*, and make her willing to be searched? leave that to me (said my Wife) and immediately went unto *Jane Gilbert*, and said, *Fenny*, my Father hath sent for my Aunt *Williamson* and me to Breakfast to morrow morning, and hath commanded me to bring thee with us, because he hath provided a Dish of Milk and Eggs, that which he knows thou dost dearly love: and the maid little suspecting any mischief, couch'd under this pretended Kindness) thank'd her Mistress; but by reason of the many cloaths she had to steel and starch against the Morrow; (being Sabbath-day) was willing to be excused: Nay, *Fenny*, replied my Wife, you must and shall go; for I know my Father will be angry, if we bring you not.

So a Coach being call'd, my Wife, Mrs. *Williamson*, and the Maid went to Mr. *Stephens* house, but neither found him, nor the *Milk and Eggs*: Ah, quoth Mrs. *Williamson*, are we serv'd so? we'll make a mornings work of it, now we are out; methinks I have a rumbling in my Guts, pray let us go to Doctor *Trigg*; Agreed, said my Wife; and as they were passing from Mr. *Stephens* to *Triggs* house, my Wife and Mr. *Williamson* (being very frolick) began to jest with the said *Jane Gilbert*, and persuaded her to make *Trigg* believe, she was a new married Woman, and so that would put a Trick upon the Doctor his skill.

After they were all arrived in the Doctors presence, Mrs. *Williamson* made a private address unto him, and pretended to have acquainted him with the pain in her Guts. But having ended her Tale in private, What think you, said she, of yonder new married Wife? *Trigg* (having felt her Pulse, and bid her spit once or twice) told her, she was *Splenetic*, Like enough that, quoth Mrs. *Williamson*; But is she not breeding Doctor? Yes, I warrant you, said he; so the wench turning about, and smiling, was bid go out by Mrs. *Williamson*, (that she and her Mistress might have some private Discourse with *Trigg*, about the Drink which they had given her) which she did accordingly, whilst her Mistress, Mrs. *Williamson* and *Trigg* held a long Conference together; when this Scene was over, All returned home.

About three or four days after the said *Jane Gilbert*, having been promised leave by my Wife to go visit her Friends in the Country, for the Recovery of her health, my Wife took her into her Chamber, and said, Ah *Jenny*, But I have somewhat more to tell you, and thereupon shut the Chamber door, none being present but them two, and Mrs. *Williamson*, 'Tis commonly reported, *Jenny*, quoth my Wife, that you are with Child, and 'tis my desire to have it clear'd: Tush, said Mrs. *Williamson*, if it be so, I warrant you 'tis by the Best in the house; (meaning my self) Let us know it, for we can, and will conceal it, and so dispose things, that it shall never be a discredit, or disgrace unto her; Nay, if she will confess that she was with Child, they would provide for her; But said they, if you will refuse to let us know it, and go into the Country, we will Report, that you are gone to take some Physick to destroy the Child.

The Maid now considering what snare they had brought her into, by going to *Trigg*, (as aforesaid) being persuaded to act the part of a new married Woman, was astonished at this Surprizal, and cried out, the Lord protect me, for I am very innocent from any such thing; and withal my heart, said she, will I do any thing, that may give you satisfaction, or clear my self from this Scandal.

Look here, saith my Wife to her, my Father hath sent me a Letter, where he says, That Doctor *Trigg* says that you are certainly with Child; and if you will not confess, you must be whipped in *Bridewell*.

As they were thus Discourfing, (often intimating that 'twas their Design to make this Maid confess her self with Child by me) in came Mrs. *Sessions*, my Wives Midwife, whom she persuaded to search *Jane Gilbert*, which she willingly submitted unto; and the Midwife (in her presence) acquitted her from being with Child.

Hereupon my Wife commanding some tears from her Eyes, wept passionately (as she seemed) and breaking into great Passion, said, Ah *Jenny*, have I loved and entertained thee thus long, been as kind to thee, and as tender of thy good, as if thou wert my own Child, and canst thou conceal any thing from me? Doubtless thou art with Child; and therefore come, put on your mask, for you shall once more to Doctor *Trigg*, who understands these things better than any Midwife; and he will prove you to be with Child: And that you may not think I have any Plot upon you, (that Objection was very strong within her) put on your mask, (that the Doctor may not know your face again) and fetch your Water; and Mrs. *Sessions* shall go with you.

The Maid being perplexed in mind, and far from any of her Friends, knew not what to do in this condition: But being urged by her Mistress went again with the Midwife.

After the Midwife had given *Trigg* her Water, and discours'd with him privately; he called to *Jane Gilbert*, and bid her go up stairs with him: But the poor Wench (not knowing which to prefer, her Modesty or Innocency) refused to go with him; until at length (being clamour'd at, and absolutely forced up to his Chamber) she was necessitated to follow him: Where *Trigg* began to acquaint her, that her Mistress Mrs. *Ivie*, had told him, that she had been too familiar with her Master, and therefore he must search her: And did thereupon (in a most rude and violent manner) force his hands under her Coats, to her naked Body; and did use her in a most abominable way, &c.

And when he had effected his business, he told the Midwife that she was with Child; though the Maid absolutely and earnestly denyed the same.

Hereupon they left *Trigg*, and returned to my Wife, who having heard the Relation from Mrs. *Sessions*, what had been done (being totally unsatisfied) caused her to be carryed to another Physician, Dr. *Hinchley*, and shewed him the Water; and desired him also to search her in like manner: But his Verdict was unlike that of the (Mountebank) *Trigg*; for he peremptorily avouch'd she was not with Child.

Notwithstanding all this could not satisfy the aim of my Wife, and Mrs. *Williamson*: But once more she must expose her Nakedness to the search of another Doctor, a Man-midwife, Dr. *Hinton*, who in like manner, as Dr. *Hinchley* (notwithstanding Mrs. *Williamson* and my Wife did earnestly sollicite him to attest that she was with Child) acquitted her from being with Child; and would justify her to be a Virgin.

These two Testimonies did no way forward their Design, for by this means, all the pains in Threatnings and Persuasions, (to acknowledge her self with Child by me) began to undervalued, by how much the more the said *Jane Gilbert* had been acquitted by the two Doctors and Midwife, and accused only by that Ignorant Quack *Trigg*.

And therefore seeing the Wench was so obstinate that she would not comply with them, (and least at my return she might discover this unto me) a new Project was set on foot, so to terrifie the Wench, that she might leave *London* immediately.

And thereupon they came unto her, and told her, that Mr. *Stephins*, my Wifes Father, would do her a notorious *Mischief* if she would not acknowledge her self with Child: Mrs. *Williamson* advised the Maid to go for a while into the Country, until Mr. *Stephins*'s Anger was over.

Upon this account she was sent away to her Father's House in *Hertfordshire*, where immediately after her arrival, she received a Letter from my Wife, that her Father *Stephins* was so incensed against her, that he would not suffer her any longer to live with my Wife.

Notwithstanding the great love she bore, she would not leave her destitute of a Service, but would provide a convenient Place for her.

Scarce eight days had passed, but down comes Mrs. *Williamson* to her (pretending she had been at *Cambridge*) and came out of her way on purpose to see her; Though 'twas evident she came directly from *London* to the said *Fane Gilbert*.

Infomuch that the Maid suspected some farther ill towards her (having been formerly so abused) but parling together about former Passages, The Maid asked Mrs. *Williamson*, what Ill she had deserved from her Mistress, that she should be so disgraced as she had been; and though she found her guiltless, she should now be put away? Well quoth the Maid, by God's help I will be to morrow in *London*, and will endeavour to right my self from these Aspersions.

Whereupon she found the end of Mrs. *Williamson*'s Journey (was to hinder the Maid from coming to *London*) (because I was the day before arrived out of the Country) lest she should see me, and discover what had been done unto her, in order to make her confess that I lay with her, and that she was with Child by me.

Mrs. *Williamson* now perceiving that the said *Fane Gilbert* was resolved to make a stir in this foul Business, returned with all speed to my Wife, and wished her to think of a way how to hinder her from speaking with me.

The next day, as soon as the said *Fane Gilbert* came to my House, my Wife met her at the Door, and giving her many good words, perswaded her to take a Lodging near that place, (and change her name) and that she would pay for it.

The Maid (very much troubled at this usage) was very pressing to know what Offence she had ever given her: Truly, quoth my Wife, Sweet *Fenny*, I love thee most dearly; But the Truth of all is, my Husband and his Friends give out, that 'tis unfit for me to keep a Gentlewoman to wait upon me, besides common Servants; and that 'twas their Envy towards her, and therefore she must be gone: But withal assur'd her, that she would provide a convenient place for her.

My Wife now thought, that she had (by this Trick) made the Maid believe me to be the sole cause of her turning away, and sufficiently exasperated her against me; yet did not despair of a Compliance from her, and therefore said, For my part, I am content you stay this night, (that she might farther try her) and to morrow thou shalt have another Lodging look'd out for thee.

But my Wife understanding the next Morning, that I began to parle with the Maid about the passages aforesaid, (which indeed were communicated to me in the Country) knockt very furiously for her to come up into her Chamber; and commanded her immediately to leave the House, and would not suffer her to speak any more to me.

Whereupon she went to one Mr. *Price*'s House, a Brother of one of her Fellow-servants, and lay there privately, (as she thought) but 'twas made known to my Wife, who immediately sent a Maid to sound of what Temper she was, and how she stood affected towards her: And it being return'd, that she was full of Disdain and Passion, by reason of the aforesaid Practices against her; and that she would forthwith send for her Trunks, they were immediately seized upon by my Wife, and locked up in her Closet.

Norwithstanding, upon this Report, the Maid did not send, but came her self to demand her Trunks; and I seeing of her in the House, began to ask again, why she went away, and upon what occasion that Searching of her (by Men and Women) were? But her Mistress calling her Queane for acquainting me with it, and threatening to strike her for it, denied her the Trunks, and caused her forthwith to be sent away: And the very next day Mrs. *Williamson* and my Wife gave out in Speeches, (amongst my Family and Neighbours) that they had broke open the Trunks, and had found that she had been a Baggage, and a notorious Thief, and stollen her Goods.

And thereupon (the better to secure the Wench, either for complaining of these Abuses, or telling me the Truth of her Usage) they procured a Warrant from my Lord Chief Justice *Roles* to apprehend the Maid for her Life, (having charged her with Felony.) But finding that the Maid kept in, and that by vertue of the said Warrant, they could not enter any House to take her forth, they entered into a new Project, how the Wench might be secured (both Tongue and Person) and also, that they might seize on her wheresoever she was.

To this end Mr. *Pauncefoot* was look'd on as a fit Instrument (having Relation to the Lord President *Bradshaw*) and was desired to procure them a Warrant from the Council of State, upon Pretence that this poor Wench held Correspondency (with the Enemies of the Commonwealth) beyond Seas, and so apprehended her: By vertue of which Warrant she was seized on accordingly, and kept close Prisoner eighteen days together with great Hardships.

During this Imprisonment, a Gentleman came to this Wench from my Wife, advising her to humble her self to her Mistress, and to confess her self Guilty, and much to that purpose, but she (being Innocent) utterly refused any such Acknowledgment.

During

During this Imprisonment, many Petitions (for to be heard at the Council) did she attempt to present; but were still kept off by the means of the said *Pauncefoot*, neither could she ever be heard.

At length my Wife and Mrs. *Williamson* finding nothing could prevail (after Sorrow and Grief (in this lamentable Condition) had almost killed her, they had contrived a meeting for the Wench (by the permission of her Keeper) in *Moor-fields*; where, as soon as my Wife saw her, she fell into a deep fit of Weeping to the Wench, and told her how dearly she loved her, and that she was in perfect Friendship with her, and earnestly desired that all things (which had passed) might be forgotten; promising withal, (that in a very short time) she would abundantly express, how sensible she had been of her late Sufferings.

Hereupon my Wife, without ever acquainting or procuring their Order for her Freedom, (only giving the Messenger of the Council of State 20 l.) carried the Maid by her own Power (by which it seems she stood committed) to be set at liberty.

But very suddenly after Enlargement (her Body being quite spent, and her Mind almost distracted with Grief and Melancholy) she died; and in her Death-bed professed solemnly (that by reason of those Cruelties, which had been practised upon her by Mrs. *Williamson* and Mrs. *Ivie*; and especially by the Operation of a Potion given her by them, (which upon the words of a Dying Woman) she believed to be Poyson) That they had been the cause of her Death; and that she doubted not but that the Almighty God would require her Blood at their hands.

After these things were laid open to the Lords Commissioners for the Great Seal; I little expected that Vices should be received for Reasons; that such Abominations should have been thought worthy the Protection, not to say the Encouragement of such eminent Judges; but with Grief of Heart, and empty Purse, may I say, that I found experimentally their Chancery rather a Court of Oppression than good Conscience; nay, I have this peculiar in my Case (that after all Witnesses on both sides were examined) they never afforded me that Favour (which they omitted to none) as to command me and my Wife in Person to attend them, and to endeavour a Reconciliation between us.

This I thought hard measure, because I was informed all others had participated of that Civility from them; and the more hard, in regard my Wife had frequent and private Addresses unto them, and I was never admitted any.

The Consideration of this not only astonished me, but gave me a strong Alarm also to be very Circumspect, lest I might have as little Justice in their Sentence, as I had favour in their Proceedings.

And that on the other side, when I remembered they openly declared before my Council, that nothing should be concluded without sending for both Parties, and also their Parties; and also their Order of the 27 of October 1651. that they had denied her any Expences of the Suit, in regard the Merits of the Cause should be speedily heard; I could not conclude within my self, but that I should be dealt withal according to their own Rules, and Practice of all the of England; and that a Summons (upon a day of hearing should be first sent) e'er any Sentence pronounced, or Decree made in the Cause.

But what I often suspected, and was intimated unto me by others, I had now too much reason to believe.

For after eight Months (having all that while never received any command to wait upon their Lordships) when all my Counsel was out of Town, July 24. 1652. (Her Counsel Mr. *Vincent* and Lieut. Col. *Zanche*, her Solicitor, with a Sword by his side) presented unto the Lords Commissioners, a final Decree ready drawn; (it not being first perused by Counsel of my side, as by the Rules of the Court it ought to have been) for no less than 300 l. per Annum, (a fair Sum; and enough to tempt a good Woman to be bad :) The Draught of the Order is thus.

Lords Commissioners.

Saturday 24 of July 1652. Between *Theodosia Ivie* Plaintiff, and *Thomas Ivie* her Husband, Defendant.

Whereas the Plaintiff having exhibited her Petition (against the Defendant her Husband) to be relieved for Alimony, unto which the Defendant having put in his Answer, divers Witnesses were examined by Commission, and others were (by their Lordships Directions) also examined by the Register, in the presence of Council on both sides; And for the better clearing of the Matters, and Satisfaction of their Lordships therein, their Lordships were also pleased themselves to examine several Witnesses, viva voce; And the Cause having taken up many days in hearing, (after much Debate and Pains spent herein; And upon full and deliberate hearing of what could be offered on both sides: And upon reading of the said Depositions, and of the Indenture made upon the Marriage; whereby the Estate of the Plaintiffs Father is settled upon Sir John Brampton Kt. and William Booth Esq; to the uses in the said Indenture declared.) Their Lordships were fully satisfied, that there is good cause to give Allowance for Alimony to the Plaintiff; And do Order, and Decree, that the Plaintiff have paid unto her the Sum of 300 l. by the year, which their Lordships intend to be had and raised out of the Plaintiffs Father's Estate, so settled in the said Trustees, as aforesaid, until farther Order: And do therefore Order, that the said Defendant, and the said Trustees, shall authorize, or permit and suffer the Plaintiff, or whom she shall nominate and appoint, from time to time, quietly, and without Interruption, to receive the Rents and Profits of the said Lands: And the several Tenants of the Premises are hereby ordered to pay the same accordingly, from our Lady-day last; And the said Trustees, and the said Tenants, in so doing, are to be saved harmless by the Decree of the Court. But in case the said Lands are in a greater yearly value than the said 300 l. per Annum, And that the said Defendant shall at any time signifie so much unto their Lordships, And undertake and sufficiently secure the Payment of 300 l. per Annum, (quarterly unto the said Plaintiff) by equal Portions, to begin from our Lady-day last, then the said Defendant is hereby decreed to pay unto the said Plaintiff, the said yearly Sum of 300 l. accordingly, until further Order, at aforesaid: And that the said Trustees are in such Case

to permit and suffer the said Defendant, and his Assigns, to receive and enjoy the Rents and Profits of the said Fathers Estate, (any thing herein contained to the contrary in any wise notwithstanding.)

Rob. Dod, Deput. Regist.

Being advertized by a Friend of these irregular Proceedings, and perceiving what a Considerable part of my Estate was aimed at, I addressed my self immediately with this Petition to the Lords Commissioners, August 19.

To the Right Honourable, &c.

The Humble Petition of Thomas Ivie Defendant, Husband to Theodosia Ivie, Plaintiff.

Sheweth,

That several Papers have been brought to your Petitioner, intituled as Orders from your Lordships, but without any Subscription of the Register, or his Deputy.

That at the end of one of the said Papers 'tis mentioned, that unless cause (at the next Privy Seal) be shewn to this Court to the contrary by the Defendant, That 300 l. per Annum, therein mentioned, shall be decreed: But on what day the next Privy Seal will be, or in what place, is not expressed in the said Paper; Neither can your Petitioner (by all possible means and industry) find when and where he may attend your Lordships.

Insomuch, that your Petitioner hath just Ground to fear (if any such Order be) either he may be surprized, or a Decree might pass against him, without his Knowledge of the time, wherein he might make his just Defence, especially all his Papers being at present in the Custody of his Solicitor, Mr. Cox, who is not in Town.

In tender Consideration whereof, may it please your Honours to declare, whether any such Order was made by the Court; and at what time and place your Lordships have or will be pleased, peremptorily to appoint, to hear the Defence of your Petitioner, who with all humility and willingness, will attend your Lordships; Hoping by God's assistance, to give a full Demonstration of his Innocency and Integrity; and to wipe off all the foul Aspersions whatsoever, which have been cast upon him, to ruine both his Person and Estate.

And your Petitioner shall ever pray, &c.

All the Return (that I could obtain from the Lords Commissioners) unto the said Petition, was this; Let Mr. Ivie attend us, to shew us Cause, according to the last Order, on Tuesday next. 19th of August 1652.

B. Whitlock,
R. Keeble,
J. Lisle.

On the Tuesday following I did attend in Person, but without any Counsel; all being in the Circuits with the Judges: And if I could have found any, it had been almost impossible to have fully instructed them in the Cause, there being so many Depositions, and those of so great Length.

Whereupon I renewed my humble and earnest Request unto them, with all the Vehemency I could express, That they would make no Decree, before they heard the merits of the Cause on both sides.

Notwithstanding, I found 'twas their Resolution to sign that Irregular Paper, and to declare before-hand, that they had found just Cause for Alimony; The Preamble of the Decree being full of Reflections, and containing several Insinuations against me: All that they thought fit to add, was this Clause, [Until further Order.] A dear Expression in Chancery, and as costly as the other, [Unless he shew Cause.]

Now, and not before, was the Order (which they commonly call the Decree, having put the Great Seal unto it) delivered unto the Register to enter, which first ought to have been drawn by him, and then perused by Counsel on both sides.

Had any one but heard, what smooth words the Lords Commissioners gave me at this time, telling me, That it should not be prejudicial unto me, and that they would hear my Counsel at any time, come when I would, and that 'twas but a Temporary thing, and that they would deal tenderly with me, in so tender a Case, as between Man and Wife, one would have almost been persuaded, that it had been my duty to have given my consent also: But though there was Honey in their Mouths, yet was there too too much Gall in their Ink, and Wormwood in their Decree.

Had they but considered the Deed of Covenant which (they professed) they had perused, 'twould have appeared very evident, that there was no shadow for so great allowance, as 300 l. per Annum: When her Father himself, and my Wife also made to me a Proposition, of giving her the liberty of living where she would, and setting out for her fit allowance, they themselves did desire, no more but 120 l. per Annum Depos. l.

Besides of the Articles (in my custody) which they caused to be drawn to the same Purpose.

But I suppose the Lords Commissioners were so far from considering what they signed, that they never read the Deed, which they mention; nay, I think, I may safely say; They did not, or would not consider the Act it self, for Alimony,

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For that Act impowers them, to give only such *Alimony*, as is proportionable to the Fortune which the Woman brought; and that also to be raised out of the Husbands Estate. Whereas the truth is, she hath not (in all her Proofs) proved, that she had been, or in probability could ever be worth a Penny to me.

And as for that Estate, which the Lords Commissioners did decree unto her, 'tis true, I had an equitable Title unto it; but it really did belong to the Heir, at Law, until such time as I had performed some small Covenant.

Insomuch that Mr. *Stepkins*, his Son and Heir, also was injured by these proceedings of the Lords Commissioners; for which he hath often made his Complaint, as well as his just Title in Law, though to little purpose.

I know full well, what shadow the Commissioners put on this dealing; but whether it be just and righteous, I submit to your Breast, and that is thus,

That although it was Convenanted, between Mr. *Stepkins* and my Trustees, that in case I did not perform all the Covenants (to which I had obliged my self) then was the said Estate of 240 l. to go to the use of the right Heirs of the said *Stepkins*, until such time as I should perform. By virtue of this Clause, did young *Stepkins*, lay claim to the said Estate.

Yet say the Commissioners, that Mr. *Stepkins* the Father (Who had reserved unto himself the Remainder of the said Limitation, to me and my Wife) made a Will; and by that Will had acquitted me from any further Performance; insomuch that the Estate was now totally belonging unto me.

This I believe my Wife told them; and peradventure shewed them such a Will; and this is their Ground: But by their leave, I cannot think, till such a Will be legally proved, That it can be any Ground for them, to give away the Estate in such manner, as they have; upon a bare suggestion of one Party, for whose interest and profit it was.

Certainly had they been as conscientious Judges (as they are Judges of Conscience) they would have first caused her to prove the said Will, (which then had clear'd the Estate from the claim of my Brother *Stepkins*, and saved me the expences of some Suits in Chancery, for no other end than to get the Will produced, which to this day, I am not able to do; Notwithstanding I have a Bill of Complaint depending before them for that purpose.)

Nevertheless all these discouragements, it pleased the Lord to give me a proportionable measure of Patience, to submit unto his correcting hand; and in the most sore Afflictions (which I have undergone) he hath not withheld his loving kindness from me, nor the sweetness of his refreshing Spirit; though many Oppressions and Grievances were daily multiplied, and many new Suits at Law were set on foot against me by my Wives means, who now seemed justified by them; and my self vilified and undervalued.

Yet was I not clamorous at their Bar, neither was I ever admitted to any private Speeches with them: or indeed did ever seek it (being confident) that my cause wanted the Protection of Justice only, and not favour; but waited, still expecting when they would put their good Promise in Execution, and send for us, and endeavour a cordial Reconciliation between us.

But after two months were expired, and hearing nothing from them to that purpose (though many several Friends of Quality had moved them thereunto) I addressed my self with an humble Petition for a hearing.

After it was read, they appointed a day (though it was somewhat far off) yet it did abundantly revive me, hoping that that day would be the end of my trouble; and that then, my Reputation and Estate, might be repaired; my Person freed from the continual molestation of Catchpoles; And my Wife her self (whom I had perfectly forgiven) restored unto my Bosom.

The Order which the Lords made in Answer to my Petition, was this.

Saturday 29th of April, 1653.

Between *Theodosia Ivie*, Plaintiff, Wife of *Thomas Ivie*, Defendant.

UPON the Defendants Humble Petition, (this day preferred to the Right Honourable the Lords Commissioners for the Great Seal of England) shewing, That in the unhappy difference fomented by evil persons between the said Parties; and the said Plaintiff hath petitioned their Lordships for Alimony, (being separated from her Husband) without his Consent; Thereby intending to live a-part by her self (contrary to the Marriage Stipulation) to the destruction of the mutual happy Comfort, (that might, and ought to be between parties so nearly joyned) pending with Suit; Their Lordships (as Judges of good Conscience) did often move her to Conformity and Reconcilement, chiefly desired by the said Defendant, but the Plaintiff refused; And by an Order of the 24th of July last, their Lordships were pleased to appoint her 300 l. per Annum out of her Fathers Estate, until further Order; And the said Defendant (being daily arrested and troubled for the said Plaintiffs Debts) cannot walk the streets, without molestation, by the Officers and Bailiffs; It was prayed, That some day (as soon as to their Honours shall seem meet) may be appointed to hear the Defendants Reasons, and the merits of the Cause, why the said Order should be nulled; To command the Defendant and his Wife to be personally before their Lordships at the same time; so that there might be a final Conclusion of these unhappy and unnatural Differences, under which the Defendant hath long groaned, to his utter Ruine: Their Lordships do thereupon Order, that Counsel on both sides be heard in the Business the first Day of Causes in Trinity Term next.

John Sandford, Deput. Regist.

My Hopes and Expectations being now raised from the Dust, I considered with my self, how I might represent the Case between me and my Wife, with the least prejudice to her: For upon some Debatings
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about the Witnesses I had examined against her, I found the Breach still made wider, by her Lawyers aggravations, than it was really in it self; what was but a scar, they would tear open into a wound; nay, they prefer'd a seeming Rhetorick so far before a Christianity, that rather than they would exasperate, they would speak *Point Blank*, to the very Papers they held in their hands.

And therefore, to prevent the like Inconveniences, and aiming at a perfect Reconciliation, I drew up all (that Counsel could be instructed in, or could offer at the Bar) into writing, and for each Commissioner had a Paper ready to be presented, as follows.

To the Right Honourable the Lords Commissioners for the Custody of the Great Seal of England.

Whereas the Daught of an Order was on Friday August the 13th made, and presented unto your Honours by the Counsel of the Plaintiff, and Mr. Zanchie her Solicitor, not entred into the Registers Book, or drawn up by him from any Notes taken in Court, or was ever perused by the Defendants Counsel before it was signed, according to the Rules of the Court; in which Order it was mentioned, that 300 l. per Annum should be raised out of the Fathers Estate, which was settled at the Marriage upon Sir John Brampton Knight, Orlandando Bridgman, Esq; and William Booth, to uses, &c. and upon the reading of it, it was ordered by your Lordships at the same time, that unless the Defendant should shew cause at the next Privy Seal, a Decree should pass accordingly; And whereas it was ordered by another of August the 19th, That on Tuesday following the Defendant should attend, and shew Cause why the said 300 l. per Annum should not be decreed; May it therefore please your Honours to consider these following Considerations, which are all proved upon Oath, and good Evidence; wherein he hopeth it is sufficiently cleared, that the Plaintiff neither ought to have any Alimony out of that which was her Fathers Estate, or out of her Husbands.

Mrs. Ivie, the Wife of Thomas Ivie, suggesteth by her Petition to the Lords Commissioners, That her Husband hath deserted her, and left her no means to live; That during her Cohabitation with him, she was in danger of her life, and became very weak, and for peril of receiving from him diseases of dangerous consequence, she cannot Cohabite with him, and prays Relief.

The Question is, Whether in this Case she ought to have Alimony.

In which it will be pertinent, to consider the near conjunction that is between Man and Wife, and whether they be of equal Authority, or there be a Superior, and in whom that Superiority resteth.

1. The Original female Ancestor was taken out of Man, and by the Marriage-bond were made one flesh, though several Individuals, like the Celestial Gemini, that makes but one Constellation; but the Government was placed upon the Man by God himself, who gave the Law in Paradise, saying, Thy desire shall be to thy Husband, and he shall rule over thee, Gen. 3. v. 16. 1 Cor. 14. v. 5. 34. and by the Apostle remembred, That Women are commanded to be under obedience; so saith the Law; and that they submit themselves unto their own Husbands, as to the Lord that is supreme, Eph. 5. v. 22. Thus far for the Divine Law.

2. The Common Law says, That a Woman that is married, is not *sui Juris*, but *sub potestate Viri*, hath no will but her Husbands, though she may have a Stomach; therefore the Civil Acts she does are void in Common Law; she can neither take nor give anything without her Husbands consent; She can have no reparation for any wrong done unto her Person by her self, without her Husband, and the damages that shall be recovered, shall go to the Husband and not to the Wife; And it is further to be considered the extension of that word *Potestas*; It is of a great latitude, for Sovereign Princes and Governours, though they have rule and power of the People; Yet they cannot beat, wound, or kill the People under them, nor do any thing to their Persons corporally; but according to their Laws, by Sentence or Judgment: But the Husband hath power of Correction upon the Body of his Wife, and Servant, according to his own Judgment, so as he doth not wound nor kill, and is not prohibited by any Law.

3. The Civil Law (as I take it) agrees with the Common Law; then it must follow by necessary consequence, that a married Woman without leave cannot depart from her Husband, which she must evidence by proof, no more than a Servant from his Master, a Subject from his Sovereign into foreign parts, who by his Missives is to return upon forfeit of his Estate; which makes good what was said before, that she is not *sui Juris*, and in some sort expounds and explicates the *potestatem Viri in Uxorem*; for the Master may seize and carry away his Servant, if he find him, or implead him that shall keep him, and recover damages for the time he keeps him; so may the Husband by his Wife; which shews the propriety and interest which the Husband hath in his Wife, and for loss of her society and company (though no other harm be done) he shall recover damages against the detainer.

Nay the Husband could not repudiate his Wife, but in case of Adultery, for that the Bill of divorce spoken of in the Old Law, was not given by God, but permitted by Moses, to prevent a greater mischief; for the Jews are cruel Men to their Wives, and to prevent *Uxoridism*, he gave way to it, *Sed non fuit sic ab initio*.

The Case thus stated upon the imporencies and non-ability of the will of the Wife, and the just Rule and Power of the Husband over her Will and Person; tis considerable, whether by Law or Reason, a Wife departing without leave, shall have allowance to live separate, which is called Alimony.

Alimony is a Thing not known at the Common or Civil Law, but indulged, and brought in by the Pope and his Canons, and very much put in Use by the late High Commission and Prerogative Court of Canterbury, wherein, upon Sentence of Separation from Bed and Board given by that Court, the Husband was enjoined to make allowance to the Wife, and the Husband enforced to give security for the payment, and many times imprisoned upon failure of performance; yet in those cases, both of Bonds and Imprisonments, the Husband upon *Habeas Corpus* returnable in the upper Bench, where by Judgment of that Court, discharged of both, if the Husband cohabit, because the Law says, *Quos Deus conjunxit, nemo separat*.

separat. So as without the Husbands consent no separation could be made, and if no separation, no *Alimony*.

Nor were personal Infirmities or Diseases contracted after Marriage sufficient cause for such separation, because she may Board though not Bed with such a Husband; but where the temper of her Husband was more severe and violent than discreet, That Court by the wisdom of prevention, which is better than the wisdom of remedies, did use, by way of caution, to take bond for the Husbands orderly usage of his Wife, to prevent the cruelty, whereof they had no Jurisdiction, but only in causes and *salute Animæ*, and not *pro reformatione Morum*, which belongs to the Common Law, and where upon complaint by the Wife in that kind, the Common Law will enforce the Husband to give bond to secure both life and member of his Wife from maim and death.

And certainly *Reason* is against it.

1. *Reason* commands obedience to Superiors, generally the Apostle puts it further, for Conscience sake, and disobedience is not cherished by any Reason.

2. One end of Marriage is Mutual Society and Comfort, would be avoided by the Act of the Wife, which is not to be admitted upon the petulant Allegation of difference betwixt her and her Husband upon personal Infirmities.

3. Marriage it self, and all the Laws of the Wifes subjection and capacity by so long time pronounced and received, by this means would be avoided.

4. If God himself was pleased to say, it was not good for a Man to be alone, then surely we may safely say, it is not good for a Woman to be alone; for though they are the weaker Vessel, and have the lesser Reason, yet they have the stronger Passions, and more violent Desires, and so more subject to Temptation and Sin.

5. For the inevitable Danger of illegitimate Bastards, and Clandestine Issues (where the Wife is separate) who concealed it till the Husbands death, are yet inheritable to his Land (though never begotten by him;) This Inconvenience sadly weighed, and how Epidemically it may run to all Families of this Nation, is of it self a sufficient convincing Reason, to bridle the rash hot appetite of inconsiderable women, and avoid all *Alimony*. But on the other side, if any Husband shall be so unjust to his Wife, and unkind to his own Flesh, whom he is bound by Law to maintain, as to separate from her, and will not cohabite with her, *Nisi propter Adulterium*, or will consent to separate, it is most reasonable he should allow her convenient maintenance; else he should take advantage of his own wrong and humour, and Women should be in a worse case and condition than Servants, who, during their contract, must have their Wages, which between Husband and Wife ends not till death. And it is conceived the Act of Parliament, which impowreth the Lords Commissioners of the Great Seal to allow *Alimony*, chiefly and naturally intends Relief, where the Husband doth repudiate, and not the Wife; the words being upon consideration as well of the Portion or Estate that hath been paid, or come to the Husband by such Wife as shall pray Relief.

And therefore in this particular Case, it may be very justly insisted, even from the Sence and Letter of the Act; as also that 'twas Mrs. *Ivie* separated her self from her Husband, 'twas not her Husband left her; Nay, after she was gone, he used all affectionated and prudential means to bring her home to Cohabite with him, neither doth he desist in the prosecution of it, but hath several ways attempted it, even until this day, and doth still declare and protest his willingness to receive her, whensoever she will Return, and give security for his well Usage of her.

That she wanted nothing before her departure, but was indeed maintained far above her quality, is most clear from the Depositions, and it is clear also from the Depositions, that there was no deserting of her by her Husband, but that her departure was absolutely upon Advice and Consideration design'd by her self and her Abettors, especially if your Lordships please to remember those unhandsome correspondencies held by her with Gentlemen under feigned names; her frequenting and meeting them in scandalous houses in *Long-Acre* and other places, at unseasonable times of the Night, under the pretence of withdrawing from her Husband (being a Bed) to her Devotion; Those horrid and detestable plots upon *Jane Gilbert*, even to the losing of her life; Her charging her Husband with foul diseases, of which he was cleared upon Oath by the President of the College and other learned Physicians; And also her Contrivances and Sollicitations to her Brother *John Stepkins* to murder her Husband, which appears by the Oath of the said *Stepkins*.

Moreover seeing that there is a Caution in the Act, that the allowance to the repudiated Wife ought to be proportionable to the *Fortune* she brought her Husband: May it therefore please your Honours to understand,

1. That he never received any penny Portion as yet, and hath great reason to doubt whether ever he shall.

2. Because the Estate of her Father is at the present in the aforesaid Trustees, and not in the Defendant, nay it is so settled on them, that unless I can raise and secure 4000 *l.* more, besides 7000 *l.* already laid out, they are not obliged, neither will they, nor can they convey it to the Defendant, as appears by the Indenture of Settlement.

3. In case they should convey and settle on the Defendant the said Estate, 'tis only for his life, and no longer; for which Estate, being only 240 *l.* per Annum, He has disbursed and laid out far more money than it is worth; this appears from the Indenture (*viz.*) a 1000 *l.* to Mr. *Stepkins* in ready money, to free the Estate from incumbrances three years since.

The Interest whereof comes to 200 *l.* In Jewels, Pearls, Ambergreeze, Bezoar, &c. to the value of 1200 *l.* There was also spent in Law to enforce the Trustees, who were kept back and hindred by Mr. *Stepkins* her Father, to settle the Estate according to the Covenants, and for the Fine and Recovery 200 *l.* more at least, which makes 2600 *l.*

That

That notwithstanding all the aforesaid Sums of Money have been laid out by the Defendant, the Trustees do still refuse to convey the Estate to the Defendant, and the Plaintiffs Brother (as Heir at Law) hath since the Death of his Father, got the Possession of the Estate, and receives the Rents, Issues and Profits thereof: Insomuch that the Defendant hath been necessitated to expend great Sums of Money to maintain several Sutes at Law, both against the Trustees and Heir at Law, in Preservation of his Estate for Life, which he has so dearly bought as aforesaid.

That by the Plaintiffs means there has been consumed and wasted of his Estate 4000 *l.* (*viz.*) 3000 *l.* since Marriage spent on her, 500 *l.* given in Money, 100 *l.* given to Gentlemen of her Familiar Acquaintance, to perswade her to go into the Country, 300 *l.* taken in Silks and Plate from the Defendant, whilst that he was at the Court of Aldermen: He has also contracted several great Debts to the value of 3000 *l.* besides 1000 *l.* spent in this unhappy Sute, and must therefore necessarily (in case 300 *l.* *per Annum* be taken from him) be cast into Prison the most part of his Life (he having but 632 *l.* *per Annum* of his own Estate) and that for his Life only, both to pay all his Debts aforesaid, and to live on beside.

Excepting the 240 *l.* *per Annum*, which if it be recovered from the Heir of *Stepkins*, and recovered by the Trustees, all which will yield but a scant and bare Maintenance for himself, Wife and Family, to raise out of it 3000 *l.* for the Creditors, and 4000 *l.* more according to the Indenture of Settlement, unless the Defendant be acquitted and discharged of the said 4000 *l.* by the last Will and Testament of the Plaintiffs Father, in whom the remainder of the Estate was, in case the Defendant should have no Issue, or not perform the Covenants which he stands obliged to perform in the said Deed: And though the Defendant is credibly informed, that the said remainder is disposed of to the said Plaintiff, and the Defendant is also acquitted from all performance of any Covenants expressed in the said Deed of Settlement; Yet so it is, that the Plaintiff having got Possession of the said Will, and by Combination with Sir *John Brampton* Kt. &c. his Son, the sole Executor of it, still keeps and detains the said Will from being legally proved: Insomuch that the Defendant cannot make any Benefit of the said Estate, nor by Law enforce the Plaintiff to produce the Will (the being his Wife.) That this is not a bare Suggestion, I doubt not but is very evident to your Lordships, she and her Solicitor *Zanche* having often avouch'd in your Lordships presence, that both there is such a Will, and that your Lordships have seen it: This is also very well known unto her Council Mr. *Maynard*, who caused to be delivered unto Sir *W. Row* a true Copy of the said Will taken from the Original, which was long in his Custody. But such is the Plaintiffs Malice to the Defendants Person and Estate, that she still suppresses and hinders the proving of it, which is the sole cause of the Continuance of many great Sutes and vast Expences to the Defendant, both with the Heirs at Law, the Executors of the said Will, and the Trustees of the said Estate; That both the Defendant and Plaintiff must necessarily be defeated of all Hopes of ever enjoying the Father's Estate for the future, unless the 4000 *l.* aforesaid be raised and disposed of, according as is limited and appointed in the Deed of Settlement, or the said Will proved, for in Default thereof, the Trustees are obliged by the said Indenture to settle the said Estate on the Plaintiffs Father, and his Heirs for ever.

And the Estate is not as yet recovered by the Defendant, but is still invested in the Trustees, (who are no Parties to these Proceedings) and in the Possession of the Heir at Law; Insomuch that no *Alimony*, as the Defendant is advised by his Counsel, can be ordered from hence, because the Ordinance of Parliament impowereth the Lords Commissioners to allow the Maintenance out of the Husband's Estate, not out of any others whatsoever. And the Plaintiff hath or ought to have in her Custody 1200 *l.* worth of Jewels, which were delivered her according to the Indenture of Settlement at the Intermarriage: And in case the Defendant survive her, ought to be restored to the Defendant, who hath too great reason to suspect that they are wasted and embezzelled; and therefore the Defendant humbly beseecheth your Lordships, that instead of giving her *Alimony*, you will be pleased to force her to give good Security unto the Defendant, or bring the Jewels into Court, that so he may not be cheated of 1200 *l.* by the Plaintiff and her Abettors; and unless your Honours yield to secure the said Jewels whilst this Cause depends before you, he doth not conceive where or how he can be redressed from any Court of England.

That about the beginning of these Unhappy Differences, it was proposed both by the Plaintiff and her Father, that in case she might have her liberty to live where she would, that she would accept of 120 *l.* *per Annum* for her Maintenance, and look on it as a very good Provision; which accordingly was agreed upon, and drawn into Writing, and Engrossed, by and with the Consent of Sir *John Brampton* her Uncle, and *Orlando Bridgeman* Esq; two of her Trustees; her Father also promising that his Estate should be settled according to the Covenants on the Defendant, without further Sute of Law; but the said Defendant was unwilling to Seal it, being very tender to Act any thing that might separate him from the continual Enjoyment and Society of his Wife; so that 300 *l.* *per Annum* is more than her self, Father, Trustees and Friends, did think fitting by 180 *l.* *per Annum*.

That the Petition it self is both False and Scandalous, and hath been disproved by several Witnesses; nay the contrary also proved by Persons of Quality, that she lived very Plentifully in great abundance, rather beyond, than under her Quality in every respect, as the Defendant hopeth is most visible to your Honours.

That notwithstanding such vast Sums have been expended on her by her means, and that the said Defendant is to pay to Creditors 3000 *l.* and to raise 4000 *l.* more to be secured unto the Trustees as aforesaid; And that in case he recover the Plaintiffs Father's Estate, 'twill not, with his own, make above 872 *l.* *per Annum*, out of which all these Moneys must be raised; and in case 300 *l.* *per Annum* of this shall be taken away out of the Plaintiffs Father's Estate, which he has dearly bought, and purchased; That 'twill be impossible for the Defendant to avoid perpetual Imprisonment, but must be kept in Goal, and the Creditors Defrauded, and must there perish, and himself be cheated also of 1200 *l.* worth of Jewels;

Jewels ; yet he is most willing to receive her, and take her, again, and forget all former Passages whatsoever, that so they may be for the future lead a peaceable and godly Life together.

Counsel also I did retain, very many, and great ones ; That in Case the Lords should refuse the Papers, and would not hear the Merits of the Cause in Publick, (in regard I might not be wanting, to lose the opportunity of that Time which they had ordered for me) I drew up also to be tendred at the same time (that (if it had been possible) I might have prevented both Reading and Arguing too) this short Petition following.

Theodofia Ivie, Plaintiff, Thomas Ivie, Defendant.

To the Right Honourable the Lords Commissioners for the Custody of the Great Seal of England.

The Humble Petition of Thomas Ivie, Defendant.

Sheweth,

That your Petitioner (with much Horror and Amazement) doth consider the great unhappiness of his future life, if your Lordships shall both separate him from the Society of his Wife, and take from him so great a part of his Estate, having such great debts to pay, as have been made appear to your Lordships.

That he cannot Despair in the infinite Mercy of God, in whose hands are the hearts and desires of all Mankind, But that his Wife (notwithstanding such vast sums of Money have been wasted, and such odious aspersions cast on him) may yet return, and take Comfort from her Husband (being passionately desirous to receive her) if all Christian and prudent means, may be applied.

That for your Petitioners part, he doth (as in the presence of God) forgive her from the bottom of his Soul, and is most willing to cohabit with her, so long as he liveth on Earth.

That he hath often desired to express unto her, and used all the Industry (as Man can imagine) but once to speak with her (even before any of her Friends, to let her know so much) but could never obtain any such meeting from her.

In Order hereunto, he very willing that a Godly and Conscientious Divine, (may be received to live in house with your Petitioner and his Wife,) both to exhort and instruct them in their Duties towards God, and one another ; and to perform all Gospel, and Family-Duties amongst them : for certainly the Lord will not deny a Blessing on those means which he hath ordained ; and which is unfeignedly sought after by a broken and contrite Spirit. And your Petitioner will oblige himself to allow any such Minister 50 l. per Annum, besides all other conveniences whatsoever.

May it therefore please your Lordships, not to pronounce any such hard Sentence (as Separation) but rather enjoyn your Petitioner and his Wife to live together ; and to appoint any honest and religious Divine to live with them, who may ever be at hand pray with them, and for them, and keep up their Spirits in Peace and Unity together.

August 24th.
1652.

And your Petitioner shall pray, &c.

Thomas Ivie.

When the Day came, and the Counsel began to speak, my hopes were quickly commanded to vanish, and the Counsel to hold their Peace ; for they suddenly declared, That they would not hear the Merits of the Cause.

With much pressing, Mr. Lisle read the Petition ; And though they took evident notice of it, yet would they not return any Answer to it ; or so much as demand of my Wife, (who stood there laughing in their Presence) whether she would return to me, or no ; Only they were pleased to find fault with that word [Separation,] And told my Counsel, That they neither had, or could separate our Persons.

These words they had no sooner spoke, but (I confess) I laid hold on ; though I had been most hardly and severely dealt withal, in the judgment of those that were present.

Insomuch, That now I did despair, ever to find amongst them, and indeed, did determine to commit my Cause unto God, until (in his due time) he should raise up Judges in our Israel, who should execute Righteous Judgment, even upon those Judges themselves.

But in the mean time, I was advised (which was very agreeable unto my own Disposition, not to leave any thing unattempted, which might be thought advantagious to a union of Us,) but to go personally to my Wife, and persuade her my self, to leave those Persons who aimed at both our Ruines, And to return to me, (passionately willing to receive her.)

And if she should, (notwithstanding) refuse to speak, or go with me, then to demand her of those Persons who received her into their houses.

Accordingly, (taking two civil Gentlemen) I went to her Lodging, but received a Repulse from her, instead of Compliance ; and then, seeing Mr. Williamson (who kept the house) I required from him the person of my Wife, who refusing her, was sued by me.

And upon the Tryal before my Lord Chief Justice Roles (a renowned Person) had a Verdict, Judgment and Execution of 100 l. against the said Williamson, for detaining my Wife from me.

Many Counsels there were to argue the Case; and the Decree in it self (under the Great Seal of *England*) was opened, read and shewed the Jury: But my Lord *Roles* quickly stated the resolution of the Case in my behalf, and the Jury gave me 100 *l.* damages.

Williamson (now finding himself in a great *Dilemma*) either to deliver up my Wife, or himself, to ruine; and my Wife in so bad a condition, (notwithstanding her glorious Decree) that although she had 300 *l. per Annum*, yet if she could not take the liberty of her old Companions, or any new one (where-soever she should be entertained) for fear of Judgment and Executions; began to take new Counsel, how to free Mr. *Williamson* and her self from this bondage of living under the Roof of a Husbands House; and the truth is, solicited it to the purpose (amongst her old *Patrons*) the Lords Commissioners.

For with all speed, *Williamson* prefers a Bill in Chancery to be relieved against my Execution. And after he had preferred his Bill (though my Answer was so clear, as it could not admit of one exception) moved for an *Injunction* (after Judgment and Execution granted at Law) and to protect him for keeping away my Wife; which was granted in these words, (as fully as he could desire) being ingrossed in Parchment and sealed.

THE Keepers of the Liberty of England, by Authority of Parliament; To Thomas Ivie, Esquire, and to his Counsellors, Agents, and Solicitors, and every of them, Greeting. It was informed in our Court of Chancery 10 November instant, in the behalf of George Williamson, Plaintiff, against you the said Thomas, that the Plaintiffs Bill is to be relieved against an Action and Judgment, thereupon obtained against the Plaintiff, upon pretence of the said Plaintiffs detaining of your (the said Defendants Wife) from you; and it appearing in a Cause of Alimony, between you, the said Defendant, and your Wife, that their Lordships decreed her Alimony, during Separation; In which time, she ought to have a Habitation a part from you the said Defendant, as well as a separate maintenance, or else, the Decree were groundless: And we conceiving the doings of you (the said Defendant) to be altogether unjust, Do command and by these Presents strictly enjoin you the above-named Thomas Ivie, and you his said Counsellors, Attorneys, Agents, Solicitors, and every of you, under the pain of 500 *l.* to be levied of your Lands, Goods and Chattels to our use, That you, and every of you, (do from henceforth) surcease and forbear all further Proceedings (at the Common Law) against the Plaintiff upon the said Action and Judgment thereupon, until the said Cause shall be finally heard and determined before us in our said Court; And this you, nor any of you, may omit in any wise (under the penalty aforesaid.) Witness, our Hands at Westminster 10 November, 1653.

Vera Copia ex

May.

This *Injunction* (being now Granted, Signed and Sealed, with the Commissioners Hands under the Great Seal of *England*) is the Accomplishment of all their Designs; and the compleating of my Misery; though the Courts of Law, both could and have (in some measure) relieved me; yet is the power of it restrained by this *Injunction*; which indeed I suppose can be called nothing else, than a perfect Separation and Divorce: Whether the Chancery (being stiled the High Court) ever receives from any Parliaments, such an unlimited power as this; It behoves them to make our unto your Highness.

'Tis the Opinion, both of the greatest and honestest Counsel of *England*; That no parallel for this Case, no President of the like Nature, is to be found on Record; Nay, they are not backward to aver, That it is as contrary to the Word of God, the Law of the Nations, the Civil Law, the Law of our own Country, as well as the Practice of the Chancery it self.

Once did that Court (by its own Authority) issue out a Sequestration upon a Gentlemans Estate, and it was by very many Persons admired, and murmur'd at; but never could I hear, that they ever sequestred Women from their Husbands.

Were there not a superiour Jurisdiction over this Court, (whose Determinations seems too too Arbitrary,) being gounded solely upon the Opinions (not to say the Passions or Affections) of two or three Erring men, what a miserable Bondage and Slavery were this Nation in? What Benefit could we expect from all the good Laws of former Ages, if their power may be quell'd, or suppress'd at the pleasure of the Chancery? They might have (for ought I know) made an *Injunction* also, that I should never complain; and if I had attempted to have made known my Case, to have laid me by the heels.

But blessed be the Name of our God *Jehovah*, whose extraordinary Providence hath been visible in this Land, that he hath raised up and settled your Highness to be next under himself the Supreme Dispenser of Justice and Righteousness to these Nations, which the Lord has happily placed under your Highness Government. By which means we have a just confidence to be assur'd, having had many Experiences already of your Highnesses singular piety and justice in those several Stations where the Lord has formerly placed you, That there shall be no more complainings made, either in our Streets, or in the very Corners of our Country, but shall be heard, and relieved, even against the Great Ones amongst us.

'Tis your Highness Power therefore which I implore; 'tis only your Power can free me from those Fetters which are laid upon me by the Lords Commissioners; only your Power that can repair me for the Injuries done, (both to my Person and Estate, which I have undergone) by Reason of my seduced Wife; 'Tis you alone, that can restore me the Benefit of the Law, against those that have been Incendiaries and Abettors of these unnatural differences between us: That so my Reputation (which hath been a long time clouded) may be made clear; my Person (which hath continually be molested with Catchpoles by my Wives means) may be at length free; And that I may be in a condition to satisfy my Creditors (their just Debrs) whose Purles have supported me; and that a final end may be put to these unnatural differences, concerning my Wife, as in Justice and Conscience shall seem meet unto your Highness.

In

In order to this, I have deliver'd in my Petition, and the state of my Case, to Mr. Sadler, and Mr. Long, to be delivered unto your Highness, *In these words.*

To the Parliament for the Commonwealth of England.

The Humble Petition of Thomas Ivie, Esquire.

Sheweth,

That your Petitioners Wife very suddenly after her Intermarriage with him, having got from him a Joynture of 1000 l. per Annum, with 1000 l. in ready money to be left her at the time of his death, and 1200 l. in Jewels, 600 l. worth of Cloaths, 500 l. in ready money, and accommodation to the value of 3000 l. in less than in 18 months time, (and all this without one Penny Portion with her) hath not only deserted his Company, but hath preferr'd a Scandalous Petition to the Lords Commissioners for the Great Seal against him, yet nothing material proved.

That by these unnatural Courses, she hath caused him to spend 3000 l. in this and Twelve other Suits at Law; by which means aforesaid, your Petitioner is become indebted at this present time 3000 l. more at least.

That he hath often tendred unto the said Commissioners his Willingness to receive her, and to give any security which they can require, to use her with all loving Respects becoming a good Husband.

Notwithstanding the said Commissioners have allowed her 300 l. per Annum Alimony; and refused to hear the Merits of the Cause, though they had ordered it under their hands; and have also granted an Injunction to protect such (who keep the Person of his Wife from him) contrary to Law.

Inasmuch, that your Petitioner hath no Remedy left in Law or Equity. (All which may more clearly appear by the State of his Case and Narrative hereunto annexed.)

May it therefore please your Honours to commiserate his sad Condition; and (in regard she obstinately refuseth to Cohabit with him in the Quality of a Wife) to vacate the said Order of 300 l. per Annum; and to null the said Joynture of 1000 l. per Annum, and 1000 l. in ready money; and to enforce her to return the 1200 l. in Jewels, whereby your Petitioner may be enabled to satisfy his Creditors their just Debts; and that Reparation and Satisfaction may be made, both to his Reputation and Estate, as shall seem meet to your Honours Wisdoms and Justice.

And your Petitioner, &c.

To the Parliament for the Commonwealth of England.

The State of the Case of Thomas Ivie, Esquire.

That Mr. Ivie, about October 1649. took to Wife Theodosia Garret, Widow, Daughter of John Stepkins, Esq; on whom, by reason of the great affection, which he bore unto her, he settled 1000 l. per Annum, Joynture, and gave also security to leave 1000 l. in ready money at the time of his death, and this without any consideration of a Portion from her Father, or any Estate left her by her former Husband, who not only left her without a Joynture, but in debt also.

That the said Stepkins perceiving how really Mr. Ivie stood affected to his said Daughter, and with what cheerfulness and willingness he was resolved to settle all his Estate for the good and preferment of his said Daughter; was content, that if Mr. Ivie would free his the said Stepkins Estate, which was 240 l. per Annum then encumbered with several Debts, or pay a 1000 l. towards the same, and deliver into the hands of the said Daughter 1200 l. in Jewels, that then it should be settled on Mr. Ivie for his Life, and afterwards to the use of his Daughter for her Life; And in case, he had no Issue by her, then to the Heirs general of the said Stepkins, or such as the said Stepkins should limit and appoint.

Whereupon Mr. Ivie did deliver unto the said Theodosia, rich Jewels, to the value of 1200 l. in ready money to the said Stepkins, to free his Estate accordingly.

That Mr. Ivie then expected a reciprocal return of his affection, which he had so cordially demonstrated: But when the said 1000 l. was paid, and a firm and legal settlement of the Joynture made, and the Jewels delivered to his said Wife, He found great reason to suspect, that 'twas rather his Fortune than himself, which she had wedded: For she not only sought all means to avoid his Company, but chose out those as she thought might be most offensive to him, and such (whom by reason of the scandal they lay under) he had prohibited her to converse with.

Notwithstanding, seeing it was the pleasure of the Lord to unite them in so near a union; Mr. Ivie was resolved not to leave any fair and honest motives (either of Purse or Persuasion) unattempted, which might encline her affection towards him; and in order hereunto (there was nothing which she ever proposed, which might be for her content) that he did deny unto her: And in less than fourteen Months, she expended in Apparel, 600 l. in ready money 500 l. and for other Accommodations about 2800 l. besides the 1200 l. in Jewels, and 1000 l. in money aforesaid; which amounts to 6100 l. Nay, the Gifts were so great he bestowed on her, That he supposeth, she was even ashamed to request any more from him.

Nevertheless she, by the evil Counsel of her Confederates (while he was at the Court of Aldermen) convey out of his House, Plate, and rich East-india Stuffs, to the value of 300 l. and divers other goods, which were by her and her Confederates carried away and imbezeled.

That Mr. Ivis now finding his own Estate, as well as his Wives Affection, too too visibly declining; and that nothing could attend such an unhappy condition, but Ruine and Dishonour; to prevent both, perswaded his said Wife to retire with him for a while to his Estate in the Country; thinking thereby to take her off from the Temptations of those seducing Persons, who engaged her in such pernicious courses.

But instead of a compliance, he found a greater Obstinacy than ever; neither could her own Friends, (who then perswaded her to leave the City for a while) prevail with her. And that there might be no industry wanting to perswade her, he gave 100 l. to two persons of her familiar Acquaintance, to be urgent and solicitous to endeavour the Accomplishment of his desire.

But by the Practises of the said Confederates, she was seduced to the preferring of a vile, scandalous, and false Petition to the Lords Commissioners against Mr. Ivis for obtaining *Alimony*; but not one syllable of her suggestions proved against him: Nay, the contrary proved by Mr. Ivis, by the several Testimonies of many Persons of good Quality and Reputation, as appears by the Depositions themselves, besides his own Oath, which he made in answer to the scandalous aspersions cast upon him.

Notwithstanding this Vindication, after two years dependance in the Chancery, and the Expences of almost 3000 l. in this unnatural, and twelve other Suits at Law, (which were commenc'd against him, by the means of this Suit) she obtained from the Lords Commissioners an Order in private for 300 l. per Ann.

Alimony:

(Notwithstanding Mr. Ivis was always ready to receive her, and use her in all Respects according to her Quality neither, Mr. Ivis) nor his Counsel being present. Notwithstanding they declared, That they would send for Mr. Ivis, before they would give Judgment in the Case; But never as yet did, nor ever yet heard the Merits of the Cause; which (in respect of the proceedings) was contrary to the Rules of the Court; and in respect of the Allowance (in case Mr. Ivis had been guilty of the Complaint) contrary to the Act of Parliament.

Having thus Affliction added to Affliction, and being in Debt by the means of his said Wife above 3000 l. And having not wherewithal to sell to pay his Creditors, (And in regard the Reversion of his Estate is settled on his said Wife) he attended almost a year upon the Lords Commissioners for his Relief, that they would be pleased but to grant him a fair hearing upon the Merits of the Cause, in the presence of both parties, with their Counsel; which was by their Order accordingly granted, and a Day by them appointed.

But when the Day came, and Mr. Ivis had retained to his great charge, many great Counsel, the Lords Commissioners absolutely refused to hear the said Cause; which hath exposed the said Mr. Ivis and his Wife to all manner of Temptations, and their Persons and Estates to utter Ruine.

And although at the same time Mr. Ivis did Request the said Lords Commissioners to recommend any godly Minister, whom they themselves should choose to live in house with him and his Wife (as an Expedient to a Peace and Reconciliation between them) for which he obliged himself to allow any such Minister 50 l. per Annum, besides all other fitting Accommodations whatsoever; yet was this Proposal slighted by them, and laughed at by his said Wife, even in the presence of their Lordships.

And since that time Mr. Ivis having sued those (who received her, and denied her unto him) and obtained by just proceedings in Law, a Judgment and Execution against such Persons, the Lords Commissioners have notwithstanding granted their *Injunction* for their *Protection*.

Insomuch, that they have now effected an absolute Separation; which is contrary to the Law of the Nation, and the Act of Parliament for *Alimony* it self; which was declared by my Lord Chief Justice Roles upon Reading the Decree for *Alimony*.

F I N I S.